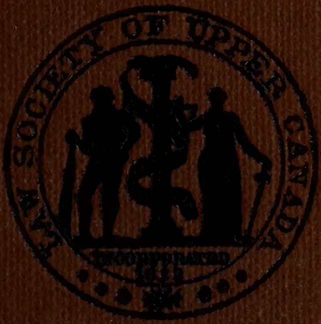
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Minutes of Convocation

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THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 1

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 19th January, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. W. Gibson Gray) and Messrs. Bowlby, Carnwath, Carrier, Carthy, Chadwick, Chappell, Farquharson, Fennell, Finlayson, Furlong, R. J. S. Gray, Ground, Mrs. Legge, Messrs. O'Brien, Ogilvie, Outerbridge, Pomerant, Rogers, Ruby, Salhany, Strauss, Mesdames Sutherland and Tait, Messrs. Thom and Willoughby.

. . . .

MRS. ROSEANNE SUTHERLAND, APPOINTED BENCHER

The Treasurer informed Convocation of the death of Mrs. Roseanne Sutherland's husband in Sudbury on 10th December 1977. Dr. Alexander Bruce Sutherland was a Public Health Dentist and prior to his retirement was Director of Public Dental Health Services for Sudbury and District. The Treasurer expressed to Mrs. Sutherland on behalf of the Benchers their sincere sympathy.

. . . .

MINUTES

The Minutes of Convocation of 18th November, 1977 were read and confirmed.

. . . .

APPOINTMENT TO STANDING COMMITTEE

Mr. J. D. Bowlby, the Chairman of the Legal Aid Committee, advised that Mr. R. E. Salhany had retired as a member of that Committee and that the Committee recommended the appointment of Mr. Clayton C. Ruby to fill the vacancy.

It was moved, seconded and *carried* that Mr. *Clayton C. Ruby* be appointed a member of the Legal Aid Committee.

. . . .

APPOINTMENTS TO SPECIAL COMMITTEES

The Treasurer informed Special Convocation that he had added two members to the *Special Committee on Advertising,* namely, Messrs. Carrier and Henderson.

The Treasurer also informed Convocation that he had appointed Mr. G. W. Collins-Williams, Director of Legal Education, a member of the *Special Committee on Specialization in the Practice of Law* and had changed the name of the Special Committee to the *Special Committee on Competence in the Practice of Law.*

. . . .

APPOINTMENT OF REPRESENTATIVES TO CHIEF JUSTICE'S COMMITTEE OF BENCH AND BAR

The Treasurer announced that he had named Messrs. *Kellock* and *White* as the Society's representatives on the Chief Justice's Committee of Bench and Bar.

. . . .

DISCIPLINE COMMITTEE–Mr. Lochead

Re: SAMUEL JOHN GRANT, Toronto

Mr. J. D. Carnwath, Vice-Chairman, placed the matter before Convocation.

Messrs. Farquharson and Salhany were not present in Convocation, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor did not attend. Mr. Bruce Durno appeared on behalf of the solicitor and Mr. Jonathan H. Marler represented the Society.

The Secretary read the Decision of the Discipline Committee dated 29th December, 1977, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor in that he was convicted of the crime of fraud and sentenced to imprisonment for a term of two years less a day on 16th November, 1977, by His Honour Judge W. F. B. Rogers in the County Court Judges' Criminal Court in and for the Judicial District of York.

Counsel made no submissions.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee dated 29th December, 1977, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor be accepted.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter returned.

Counsel were advised that the Decision of the Discipline Committee had been accepted by Convocation and of the motion respecting penalty before Convocation.

Counsel for the solicitor made no submissions respecting penalty.

Counsel and the reporter retired.

The motion for disbarment was *carried.*

. . . .

Re: JOEL RONALD SMITH, Toronto

Mr. J. D. Carnwath placed the matter before Convocation.

Mr. Farquharson was not present in Convocation, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor did not attend. Mr. Bruce Durno appeared on behalf of the solicitor and Mr. Jonathan H. Marler represented the Society.

The Secretary read the Decision of the Discipline Committee dated 29th December, 1977, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor in that he was convicted of the crime of fraud and sentenced to imprisonment for a term of two years less a day on 16th November, 1977, by His Honour Judge W. F. B. Rogers in the County Court Judges' Criminal Court in and for the Judicial District of York.

Counsel made no submissions.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee dated 29th December, 1977, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor be accepted.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter returned.

Counsel were advised that the Decision of the Discipline Committee had been accepted by Convocation and of the motion respecting penalty before Convocation.

Counsel for the solicitor made no submissions respecting penalty.

The motion for disbarment was *carried.*

. . . .

Re: OTTO ALVIN IVANY, Sault Ste. Marie

Mr. J. D. Carnwath placed the matter before Convocation.

Mr. Farquharson was not present in Convocation, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor attended with his counsel, Mr. John Walker. The Society was represented by Mr. D. B. McCrimmon.

On behalf of the solicitor, Mr. Walker waived the reading of the Decision of the Discipline Committee dated 13th December, 1977, and accepted the said Decision, wherein the solicitor was found guilty of professional misconduct in that during a period of extraordinary stress his books and records had fallen behind and a shortage of nearly $5,000 had developed in his trust account.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee dated 13th December, 1977, wherein the solicitor was found guilty of professional misconduct be accepted.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that the solicitor's rights and privileges as a member of the Society be suspended for a period of one year and that thereafter for a period of five years the solicitor be permitted to practise on condition that he practise only under the supervision of another member of the Society acceptable to the Society.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the acceptance of the Decision of the Discipline Committee by Convocation and of the two motions respecting penalty before Convocation.

Mr. Walker made submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

The motion for suspension was *carried.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the result.

The solicitor, counsel and the reporter retired.

. . . .

Re: MARVIN HAROLD MALVERN STONE, Toronto

Mr. J. D. Carnwath placed the matter before Convocation.

Mr. Pomerant withdrew from Convocation, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor attended. Mr. Sidney B. Linden appeared for the solicitor and the Society was represented by Mr. Charles C. Mark, Q.C.

On behalf of the solicitor, Mr. Linden waived the reading of the Decision of the Discipline Committee dated 8th December, 1977, wherein the solicitor was found guilty of professional misconduct in that he had misappropriated over $50,000 from clients and failed to honour undertakings given to two solicitors.

Mr. Linden substantially accepted the Decision of the Discipline Committee but made submissions.

Mr. Linden asked that those members who sat on the Discipline Committee making the Decision (Messrs. Furlong (Chairman) and Strauss and Mrs. Sutherland) and also those members who sat on an earlier Discipline Committee which had the same facts before it (Messrs. Chappell (Chairman), Carrier and Cartwright and Mrs. Legge) voluntarily retire and take no part in the matter, nor vote on it. He did not ask that Mr. Finlayson retire; Mr. Finlayson sat on an occasion when an adjournment was granted.

Mr. Mark made submissions.

The solicitor, counsel and the reporter retired.

Messrs. Chappell and Carrier and Mrs. Legge agreed to retire; Mr. Cartwright, no longer being a Bencher, was not present.

Messrs. Furlong and Strauss and Mrs. Sutherland decided to remain in Convocation.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the decisions that had been made and that it was the view of Convocation that those who sat on the hearing which resulted in the Decision before Convocation should remain and consequently their decisions to remain had the support of Convocation as a whole.

Messrs. Chappell and Carrier and Mrs. Legge withdrew.

Mr. Linden made submissions respecting the Discipline Committee's Decision.

At 12:35 p.m. the matter was adjourned to 2:00 p.m.

. . . .

Re: ROBERT EMMET DESORMEAU, Orillia

Mr. J. D. Carnwath placed the matter before Convocation.

The reporter was sworn.

The solicitor attended and admitted that he had received a copy of the Decision of the Discipline Committee.

Mr. W. S. Wigle, Q.C., represented the Society. He informed Convocation that the solicitor wanted an adjournment for the purpose of retaining counsel.

The solicitor, counsel and the reporter retired, and later returned.

The solicitor and counsel were advised that the matter stands adjourned to Convocation on 17th February, 1978, and that the matter may proceed at that time even in the solicitor's absence.

The solicitor, counsel and the reporter withdrew.

. . . .

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:50 P.M. AND RESUMED AT 2:00P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Carnwath, Carthy, Farquharson, Fennell, Finlayson, Furlong, R. J. S. Gray, Ground, O'Brien, Ogilvie, Outerbridge, Rogers, Ruby, Salhany, Strauss, Mesdames Sutherland and Tait, Messrs. Thom and Willoughby.

. . . .

DISCIPLINE COMMITTEE (Continued)

Re: MARVIN HAROLD MALVERN STONE, Toronto

Convocation resumed consideration of the *Stone* matter.

The solicitor, counsel and the reporter returned.

Mr. Linden resumed his submissions.

Mr. Mark made submissions.

Mr. Linden made submissions in reply.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the Decision of the Discipline Committee dated 8th December, 1977, wherein the solicitor was found guilty of professional misconduct be accepted.

It was moved, seconded and *lost* that Group 2 – Paragraph 2 (e) of the Decision be found not established.

It was moved, seconded and *lost* that Group 6 – Paragraph 2 (i) and Paragraph 3 (f) of the Decision be found not established.

The motion that the Decision be accepted was *carried.*

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision of the Discipline Committee had been accepted by Convocation and of the motion respecting penalty before Convocation.

Mr. Linden made no submissions with respect to penalty.

The solicitor, counsel and the reporter retired.

The motion for disbarment was *carried.*

NOTE: The Society was served with a Notice of Appeal, dated 3rd February, 1978, by the solicitor.

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, was prepared to present the Report of the Legal Aid Committee of its meetings on 7th December, 1977 and 11th January, 1978.

Convocation directed that the Report *stand* to be presented to the regular Convocation on 20th January, 1978.

. . . .

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. I. W. Outerbridge presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 12th January, 1978.

The following members were present: Messrs. Pepper (Chairman), Cass and Pomerant.

1. APPLICATIONS

Two applications were before the Committee. One applicant who had received grants in October and November last sought a further grant and the Committee recommended that no grant be made at this time. The other applicant sought a grant to be used for the benefit of a former member of the Society and the Committee recommended that a grant of $250 be made to be used for the purpose for which it was sought.

2. STUDENT APPLICATIONS

The Committee considered applications for grants from 8 students and a memorandum of recommendations from the Assistant Director for the Bar Admission Course and recommended that grants be made to two applicants.

THE REPORT WAS ADOPTED

. . . .

BUILDING COMMITTEE

The Treasurer presented the Report of the Building Committee of its meeting on Wednesday, 4th January, 1978.

The following members were present: Messrs. W. Gibson Gray (Chairman), Ogilvie, Pepper, Thom and Wilson, and Mrs. Legge.

Mr. Heeney was also present.

BUILDING PROGRAMME

Various items of correspondence were before the Committee from Mr. Heeney, in which he reported on the construction cost projection to completion, the Change Orders issued to date, as well as the cost of carpeting.

1. The estimated final cost of the project is $2,116,956.00,a net increase of $208,578.00 over the original estimate. The total figure includes the contract cost, the approved Change Orders Nos. 1 to 34 inclusive, plus the Bulletins not yet processed, as well as the cost of the management contractor's work.
2. The present work schedule indicates completion of all areas within the 1938 building by the end of January 1978, the balance of the project to be finished by the end of March.
3. The Committee approved Ridpath's quotation of $34,624.42 as set out in their letter of 30th December 1977 with respect to carpeting. The Committee approved the total cost of carpeting, including those areas already completed and paid for, of $46,962.80.

THE REPORT WAS RECEIVED

....

CONVOCATION ROSE AT 4:15 P.M.

....

Read in Convocation and confirmed 17th February, 1978.

W. GIBSON GRAY

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 20th January, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. W. Gibson Gray) and Messrs. Bowlby, Carnwath, Carthy, Cass, Chadwick, Farquharson, Fennell, Finlayson, Furlong, Goodman, R. J. S. Gray, Ground, Kellock, Mrs. Legge, Messrs. Levinter, O'Brien, Ogilvie, Outerbridge, Pallett, Pepper, Pomerant, Rogers, Ruby, Seagram, Sheard, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Wallace, Willoughby and Zahoruk.

....

SPECIAL CONVOCATION– THURSDAY, 19th JANUARY, 1978

The Treasurer informed Convocation that the following items on the agenda had been dealt with at the Special Convocation the day before:

(i) Minutes

The Minutes of Convocation of 18th November, 1977 were read and confirmed.

(ii) Appointments to Special Committees

(a) Special Committee on Advertising

Two new members have been appointed to this Special Committee, namely, Messrs. Carrier and Henderson, so that the Special Committee consists of: Messrs. Carrier, Fennell, Henderson, Humphrey, Outerbridge, Pepper and White.

(b) Special Committee on Competence in the Practice of Law

This Special Committee was previously known as the Special Committee on Specialization in the Practice of Law. One new member has been added to it, namely, Mr. G. W.

Collins-Williams, Director of Legal Education, so that the Special Committee consists of: Messrs. Goodman (Chairman), Collins-Williams, Cooper, Fennell, Finlayson, Henderson, Shepherd and Thom, together with Professors Soberman, Spence and Mewett (appointed by the Committee of Law Deans) and Victor P. Alboini (appointed by the Vice-President of the Ontario Section, Canadian Bar Association).

(iii) Appointment of Representatives to Chief Justice's Committee of Bench and Bar

Messrs. Kellock and White were appointed the Society's representatives to the Chief Justice's Committee on Bench and Bar which will be looking into the administration of the Courts.

The Treasurer also informed Convocation that Mr. R. E. Salhany had retired as a member of the *Legal Aid Committee* and that Mr. C. C. Ruby had been appointed to that Committee at the Special Convocation.

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Finlayson

Mr. G. D. Finlayson, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 12th January, 1978.

The following members were present: Mr. G. D. Finlayson, Chairman, Mr. J. D. Ground, Vice-Chairman, Messrs. Brulé, Gray, Kellock, Rogers, Ruby, Salhany and Thom, and Mrs. R. M. Tait.

FACULTY APPOINTMENTS – Toronto, Ottawa and London as indicated.

It was recommended that the following appointments be made for the teaching term which commenced September 6th, 1977:

(a) Bookkeeping & Analysis of Financial Statements:

To continue as Head of Section, J. Charles Vincent, C.A.

Group Instructors (Osgoode Hall): D. M. Brans, G. N.

Brown, C.A., R. S. Caplan, Joseph Cappe, W. P. Cipollone, Ronald Flom, David Franklin, Stanley Joffe, Mrs. Shelley Levine, C.A., Marc Lacasse, C.A., I. S. McGregor, P. F. Marchildon, A. F. Marshall, J. W. R. Medland, C.A., A. J. Packer, W. T. Pashby, J. W. Peace, W. T. Perks, W. R. Rauenbusch, Harvey Storm, L. A. Torken, A. B. Tulk.

Group Instructors (Ottawa): David Bishop, C.A., R. W. Davis, C.A., William Fenton, C.A., T. F. Foran, C.A., A. I. Freed, C.A., J. P. Gregory, C.A., W. C. V. Johnson, R. A. Vickers, C.A., R. D. Weins, C.A.

Group Instructors (London): R. A. Dolphin, C.A., J. M. Kierans, W. E. Davies, C.A., P. R. Noble.

Stand-By Instructors (Ottawa): Brian Murphy, C.A., Miss JoAnne Watt, C.A.

Stand-By Instructors (London): K. B. Bowman, C.A., W. R. Stewart, C.A.

(b) *Corporate and Commercial Law:*

To continue as Head of Section, Allen Karp.

Group Instructors (Osgoode Hall): Gus Abols, J. G. Armstrong, S. V. Arnold, A. W. A. Bellstedt, D. B. Buchanan, R. J. Carew, J. R. Collins, J. J. Fineberg, G. C. B. Matthews, R. W. McDowell, R. E. Milnes, W. T. Pashby, J. D. Pennal, J. M. Potwin, N. S. Rankin, H. A. Shapiro, R. A. Shaw, J. A. Swartz, T. J. Tone, J. H. Whiteside, A. H. Whittaker, G. A. Wilson, N. L. Winton, Frank Zaid.

Group Instructors (Ottawa); D. F. Alexandor, K. L. W. Boland, P. W. Fortier, R. W. Groulx, W. C. V. Johnson, P. B. Kane, T. W. Peterman, P. T. Taggart, G. F. Windsor.

Group Instructors (London): G. B. Carmichael, W. E. Nursey, D. R. Ross, P. H. E. Schwartz.

Stand-by Instructors (Osgoode Hall): G. W. Calver, W. J. L'Heureux, M. J. Perelman, P. H. Smith, Harvey Storm, R. G. Ulster.

Stand-By Instructors (London): D. D. Organ, R. N. Waterous.

(c) Real Estate and Landlord and Tenant:

To continue as Head of Section, D. H. L. Lamont.

Group Instructors (Osgoode Hall): P. A. Adams, D. A. Allport, D. R. Angleson, M. H. Appleton, L. D. Barsky, Mrs. Janet S. Brown, K. J. C. Dean, E. J. Freyseng, D. G. Friend, M. T. Garvey, L. M. Hess, R. A. Hummel, Miss Miriam A. Kelly, B. J. M. Lorenz, H. D. Marks, Mrs. Barbara J. McGregor, E. N. Merkur, Paul Merrick, M. J. Mitchell, D. H. Milman, C. T. Morra, M. J. Mowbray, Miss E. Carol Piefer, J. J. Prince, R. W. J. Seyffert, Chris Stoyan, W. M. Traub, G. T. Tsampalieros, P. H. G. Walker, R. C. Watt.

Group Instructors (Ottawa): R. A. W. Ault, G. L. Dubinsky, Abraham Feinstein, E. L. Gladu, D. H. Hill, Daniel Kimmel, R. E. Murray, M. J. Patenaude, L. A. Roine.

Group Instructors (London): P. E. Bradley, J. R. Carrie, P. C. Gillespie, A. J. Hanes.

Stand-By Instructors (Osgoode Hall): D. M. Brans, Kenneth Karp, Miss Marsha Onyett, P. D. Quinn, C. F. Winer.

Stand-By Instructors (Ottawa): R. M. Chartrand, R. A. Ritchie, F. G. Tanner.

Stand-By Instructors (London): D. W. Lewis, R. G. Siskind.

Approved

BAR ADMISSION COURSE – THE GOVERNMENT FINANCIAL AID PLAN

In the coming academic year, 1978-79, there will be extensive changes in the financial aid made available to the students in the Bar Admission Course by Government sources. A report, entitled The Government Financial Aid Plan, prepared by Mrs. E. Rachael Knox, outlining the present situation and the changes proposed in the 1978-79 program had been sent to the Chairman and all members of the Committee, and was before the Committee for consideration and study.

The Committee recommended that the Law Society express to the Minister its concern respecting the effect of the new financial aid plan on students in the Bar Admission Course.

STUDENT MEMBERS PERMISSIBLE ROLES IN LEGAL PRACTICE

The Committee had before it the report of the sub-committee appointed to consider permissible roles in legal practice for student members and recommended approval of the sub-committee's report.

It was moved, seconded and *carried* in Convocation that the item be deleted and that the matter be studied further on a broader basis.

BAR ADMISSION COURSE– PRIZES AND SCHOLARSHIPS

Messrs. J. Roderick Barr, Jacob Hildebrand and Harry J. Daniel, of St. Catharines, have offered an annual scholarship or prize in the Bar Admission Course in honour of Mr. Herbert Egerton Harris. It is proposed that the prize be known as the "Herbert Egerton Harris Advocacy Scholarship" and that it be awarded annually to the student obtaining the highest combined marks in Civil Procedure I and Civil Procedure II. The donors propose that the initial prize be $500 to be awarded in the 19th Bar Admission Course and that thereafter the annual prize amount should be the nearest rounded figure which is less than the interest on the further sum of $5,000 to be contributed by the donors at this same time.

Approved

BAR ADMISSION COURSE– RESTRICTIVE COVENANTS FOR ARTICLING STUDENTS

A question was raised respecting the ethical, or other considerations arising out of the situation where a principal requires an articling student to enter into a restrictive covenant, either as a condition of hiring or of continued employment. The type of restriction in question is one by which a student covenants not to work within a certain number of miles of his principal's office for a specified number of years after his call to the Bar. The Chairman directed the question be brought before the Committee for consideration and study.

The Committee held that such a restrictive covenant would be contrary to the true intent and meaning of Regulation 26 (4)(a) and amount to an unauthorized amendment to the prescribed articles of clerkship.

BAR ADMISSION COURSE– SUBMISSION MADE BY SANDRA CHAPNIK

Sandra Chapnik, a student in the teaching term of the 19th Bar Admission Course, presented a rather comprehensive submission respecting the Course.

The Committee recommended that this matter be referred to the sub-committee to Review the Bar Admission Course for consideration.

BAR ADMISSION COURSE– ASSESSMENT

On November 10th, 1977, there was before the Committee a statement received by the Chairman from seven graduates of the 1976-77 Bar Admission Course, containing criticisms and recommendations respecting the teaching term of the Bar Admission Course. This matter was then deferred to the January, 1978 meeting and the correspondence and statement were again before the Committee for consideration.

The Committee recommended that this matter be referred to the sub-committee to Review the Bar Admission Course for consideration.

BAR ADMISSION COURSE– CONTINUING LEGAL EDUCATION– PROFESSIONAL CONDUCT AND SOLICITORS' NEGLIGENCE

On June 17th, 1977, Convocation adopted the report of the Discipline Committee, Policy Section, recommending that the Bar Admission Course have a course and formal examination on professional conduct and solicitors' negligence, which all students must pass in order to be called to the Bar. On November 10th, 1977, this matter was re-opened in Convocation and referred to the Legal Education Committee for recommendation and report. The proposed examination and such course were deferred for the current teaching term, pending the further study and report of this Committee.

A proposal was made to the Treasurer by Mr. Chappell that members of the Society who require discipline for negligence and professional misconduct should be required to take some retraining which could be the course to be given in the Bar Admission Course, or some version thereof, followed by an examination.

Both the above matter referred by Convocation on November 10th, 1977, and Mr. Chappell's proposal were before the Committee for study and report.

The Committee recommended that the Director study and report respecting alternative programmes on professional conduct and solicitors' negligence by way of:

(a) a course and examination in the teaching term of the Bar Admission Course commencing in the 20th Bar Admission Course; and

(b) a programme for articling students during the articling term.

CALL TO THE BAR

The following dates and places for the special Convocation for Call to the Bar of the successful candidates in the 19th Bar Admission Course were before the Committee for approval and confirmation:

Thursday, April 13th, 1978	– O'Keefe Centre, Toronto
Friday, April 14th, 1978	– O'Keefe Centre, Toronto
Monday, April 17th, 1978	– Althouse Teachers College, London
Wednesday, April 19th, 1978	– National Arts Theatre, Ottawa

Approved

BAR ADMISSION COURSE–SALARIES–PRINTING DEPARTMENT

The Director requested a revision in hours and salaries of five employees in the Printing Department. The recommendation would increase the number of hours as follows:

PRESENT:	Teaching Term:	22 weeks	35 hours per week
	Remainder:	30 weeks	32½ hours per week
	Total Hours:	1745	
PROPOSED:	Teaching Term:	28 weeks	40 hours per week
	Remainder:	24 weeks	32½ hours per week
	Total Hours:	1900	

The Director recommended increases in annual salaries to reflect the increased hours. A schedule showing recommended salaries and estimated costs was before the Committee.

Approved subject to the approval of the Finance Committee.

SPECIAL PETITIONS

The Committee considered two petitions referred to it by the Admissions Committee. A Manitoba solicitor currently taking the LL.M. course at Harvard University, who wishes to be called to the Bar in Ontario, sought permission to be relieved of the articling portion of the Bar Admission Course. The Committee recommended that this petition be denied. A student who because of uncertainty due to illness had not submitted his application for student membership until 15th December, 1977 and who had be unable to commence service under articles until 12th September, 1977, sought permission for late filing of his application and for acceptance of the period from 12th September, 1977 to 31st August, 1977, although 12 days short of the prescribed period of one year, as fulfilling the articling requirement. The Committee approved this petition.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee dealt with six petitions of a routine nature; considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July to 31st December, 1977; and reviewed a statement setting out the Continuing Education programmes presented during the month of December 1977 and the publications report for the month of December, 1977.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

ADMISSIONS COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 12th January, 1978.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, Messrs. Cass, Finlayson, R. J. Gray, Ground, White and Mrs. Sutherland.

OCCASIONAL APPEARANCES

Charles Robert Orrock Munro, Q.C., of the Province of British Columbia applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" in the case of *Canadian Pacific Limited v Telesat Canada.* Mr. Munro complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the January Convocation.

Approved

James A. Woods of the Province of Quebec applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" in the case of *R. v Gerard Filion et al.* Mr. Woods complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the January Convocation.

Approved

Roy Albert Gallagher, Q.C., of the Province of Manitoba applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" in the case of *The Queen v Samuel John McAllister.* Mr. Gallagher complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to be called to the Bar and admitted as a solicitor in Ontario.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for Occasional Appearance

At its meeting on 10th November, 1977, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" and that upon giving the necessary undertakings he be called to the Bar and admitted as a solicitor:

Winton Karp Derby – Province of British Columbia

At its meeting on 12th January, 1978, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertakings they be called to the Bar and admitted as solicitors:

Charles Robert Orrock Munro – Province of British Columbia
James A. Woods – Province of Quebec

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 77 candidates having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1977.

DIRECT TRANSFER

The Committee considered two applications for direct transfer to practise in Ontario, one from a Nova Scotia solicitor and the other from a Manitoba solicitor. The first applicant sought to proceed under Regulation 4 (1) and the second to proceed under Regulation 3 (1) and 4 (1). The Committee approved both applications.

DIRECT TRANSFER FROM QUEBEC

The Committee considered three applications for direct transfer to practise in Ontario from members of the Quebec Bar. All three applicants sought permission to proceed under Regulation 4 (2). The Committee recommended approval of all three applications.

FULL–TIME MEMBER OF THE FACULTY OF AN APPROVED LAW SCHOOL

The following member of an approved law faculty asked to be called to the Bar and admitted as a solicitor without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. A letter confirming the eligibility of the applicant had been received from the Dean of the Relevant law school.

Paul Thomas Murphy	B.A. University of Windsor LL.B. University of Windsor

Approved

READMISSION

Albert Edward Hugill retired from the practice of law and resigned his membership in the Law Society in February 1969 due to financial reasons. He wished to resume his membership in the Society and, pursuant to Rule 50 "Retired members", to continue membership at the reduced annual fee of $25. He also asked to be relieved of the payment of $100 readmission fee.

The Committee recommended that his application be approved subject to the approval of the Finance Committee.

SPECIAL PETITIONS

The Committee had three petitions before it. One petitioner who commenced the articling portion of the Bar Admission Course on 15th August, 1977 but was not able to remit the required fees with his application for admission to the Bar Admission Course, presented a cheque in the required amount of $210 and requested admission as a student member of the Society. The petition was granted.

The second petitioner, because of illness, had not submitted his application for admission as a student in the Bar Admission Course until December, 1977 and was unable to commence employment as an articled student until 12th September, 1977. The petitioner requested permission for late filing of his application for student membership and acceptance of the period of 12th September, 1977 to 31st August, 1978 as fulfilling the articling requirements. The Committee approved the application, subject to the approval of the Legal Education Committee.

The third petitioner, a Manitoba solicitor, sought to be relieved of the articling portion of the Bar Admission Course. The solicitor will complete an LL.M. programme at Harvard University in June, 1978 and thereafter wishes to be called to the Bar of Ontario.

The Committee recommended that the matter be referred to the Legal Education Committee.

APPROVAL OF ACCOUNTS

The Committee was asked to approve the account of Ian Scott, Q.C., of the firm, Cameron, Brewin & Scott, covering his services as the Society's counsel in respect of the hearing accorded an applicant for admission to the Bar Admission Course. The account in the amount of $853.15 including disbursements was before the Committee.

Approved

REPORT OF THE EXAMINING BOARD

The report of the examinations held in January, 1978 was before the Committee. Seven candidates sat the examinations. Four candidates passed and three failed.

Approved

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treausrer:

Charles Robert Orrock Munro
Winton Karp Derby
James A. Woods

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meetings on Wednesday, 7th December, 1977 and Wednesday, 11th January, 1978, which the Special Convocation on 19th January, 1978 had directed to stand to be considered today.

The Committee met on Wednesday, 7th December, 1977, the following being present: John D. Bowlby, Chairman, and Messrs. Barnes, Carnwath, Carter, Chadwick, Ellis, Ferrier, Finlayson, Mrs. Fleming, Mr. Harris, Mrs. Jarmain, Messrs. Lamb, Lewis, Linden, Ogilvie, Russell, Mrs. Smyth, Messrs. Wallace, Whealy.

Also in attendance, by special invitation, was Graham W. S. Scott, Director of Courts Administration and Inspector of Legal Offices, Ministry of the Attorney General.

The Committee met on Wednesday, 11th January, 1978, the following being present: John D. Bowlby, Chairman, and Messrs. Barnes, Carnwath, Chadwick, Ellis, Ferrier, Mrs. Fleming, Mr. Harris, Mrs. Jarmain, Messrs. Jones, McLean, Ogilvie, Russell, Shaffer, Whealy.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the eight month period ended November 30, 1977, shows that payments from the Legal Aid Funds were less than budget by $211,000. Of this total $175,000 represents under-expenditure of designated Community Clinic funds. The remaining $36,000 is accounted for as follows:

Under budget	$	$
Criminal certificate accounts	176,000	
Duty Counsel payments	53,000	
Northern Ontario pilot project	83,000	
Salaried Duty Counsel project	9,000	
Area Office costs	132,000	
Provincial Office costs	138,000	591,000
Over budget		
Civil Certificate accounts	523,000	
Legal Advice certificate accounts	32,000	555,000
Net under budget		36,000

Income from sources, other than the Province of Ontario, is less than budget by $71,000 as follows:

Under budget	$	$
The Law Foundation		190,000
Over budget		
Client contributions	57,000	
Costs recovered	54,000	
Miscellaneous income	8,000	119,000
Net under budget		71,000

As at November 30, 1977, the balance in the Fund stood at $696,000.

Statistics

The following table compares reported activity for the first eight months of this fiscal year with the activity for the same period in the same previous fiscal year.

	8 months ended *Nov. 30, 1977*	*8 months ended* *Nov. 30, 1976*	*% Change from last year*	
Informal applications	64,203	64,919	–	1.1
Applications for certificates	71,141	68,778	+	3.4
Refusals	23,478	21,574	+	8.8
As a percentage of applications	33.0	31.4		
Certificates issued	51,661	51,757	–	0.2
Persons assisted by Duty Counsel:				
Fee for service	94,944	105,610		
Salaried Duty Counsel	17,926	–		
Total	112,870	105,610	+	6.9

Write-Offs

George E. Wallace, Vice-Chairman, approved the write-offs of the following total of amounts due to the Legal Aid Fund: $8,588.96.

Budget Estimate 1978-1979

The Deputy Director presented an estimate of the cost of operating the Legal Aid Plan for the next fiscal year commencing April 1, 1978.

The Deputy Director informed the Committee that the covering letter to the Ministry of the Attorney General would contain the following statement:

> "This estimate does not contain any provision for a proposed tariff increase. When the new tariff is drawn the cost implications thereof will form the basis of a supplementary submission, pursuant to Section 98 (1) of the Regulation to the Legal Aid Act."

The estimate will request the Government to contribute a sum which is $2.8 million or 11%, greater than this year's contribution. The increase is accounted for as follows:

		$,000
Fees and disbursements		1,387.2
Duty Counsel services		90.8
Community Clinic funding		840.0
Duty Counsel Pilot Project		11.7
Area Office costs		189.2
Provincial Office costs		142.8
Reduction in Law Foundation contributions		400.0
		3,061.7
Less:		
Reduction for Northern Ontario Pilot Project	125.0	
Reduction in Student Legal Aid Societies' funding	35.9	
Increase in client contributions and costs recovered	100.0	260.9
		2,800.8

This budget was approved in principle by the Committee.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	Dec. 1977	*9 Months to Dec. 31/77*	*9 Months to Dec. 31/76*
Reviews on hand	197		
Reviews received in	77	914	1114
	274		
Settlements reviewed	131	1044	887
Settlements awaiting review	120		
Settlements awaiting further information	23		
	274		

Appeals

	October	*November*	*December*
Appeals to Taxing Master received during	2	–	–
Appeals heard by Taxing Master	1	–	2
Appeals pending at the end of the month	4	4	1
Appeals abandoned	1	–	1

Activity

	1977/78 Fiscal Year		*1976/77 Fiscal Year*	
	Month of Dec. 1977	*9 Months to Dec. 1977*	*Month of Dec. 1976*	*9 Months to Dec. 1976*
Accounts on hand at beginning	4431	4657	4199	5087
Accounts received	4990	46088	5281	47820
Total Accounts to be processed	9421	50745	9480	52907
Less: Files Cancelled	32	376	34	339
Accounts processed	3818	44798	4408	47530
Balance	5571	5571	5038	5038

CLINICAL FUNDING COMMITTEE

(a) In September members of the Clinical Funding Committee, under the chairmanship of James B. Chadwick, visited England where community-based clinics have been active over the past years. The visit was made to assist the sub-committee in developing criteria to promote the development of these alternative forms of delivering legal aid services in Ontario.

A summary of the report which was reviewed by the Legal Aid Committee was before Convocation.

(b) On December 12, 1977, the Clinical Funding Committee met to recommend to the Director, subject to the approval of Convocation, funding to three independent community service groups (Toronto Community Law Program – Additional Training Programs – $18,595; Injured Workers' Consultants – Staff Training Program – $2,100; Eastend Community Legal Services Clinic – New Application – $10,322) for the fiscal year 1977/78.

The Director recommended to Convocation that the report of the Clinical Funding Committee dated January 9, 1978, be adopted.

SPECIAL STANDING COMMITTEE ON LEGAL ACCOUNTS

The Special Standing Committee on Legal Accounts has been meeting on a constant and regular basis from September, 1977, to the present. It became apparent very early in their deliberations that an alternative amendment to the tariff was more viable and the committee has reconstructed each of the civil and criminal tariffs bearing in mind three major objectives:

(a) to increase participation of senior counsel under the Legal Aid Plan in an effort to give more efficiency through more experience;

(b) to bring the tariffs into line with current economic necessity;

(c) to bring about the evolutionary changes required from ten years of experience of Legal Aid staff in dealing with the Legal Aid tariffs.

The sub-committee was divided into two sections to deal with criminal and civil tariffs and the committees have met approximately 27 times during the aforementioned period and have received valuable information and guidance from Senior Master Rogers and from Master Saunders, as well as considering correspondence from members of the profession.

The deliberations on the drafting of the new tariffs is almost complete and it is hoped that Convocation will be able to consider the final draft of the proposed tariffs in February.

It was essential that a cost estimate be obtained. This could only be done by applying a rather complex formula to sample accounts rendered in the last four years. The cost estimate should be completed by the end of January.

The Chairman made a verbal report to apprise Convocation of the proposed revisions.

DUTY COUNSEL, OLD CITY HALL, YORK COUNTY

In 1973 a "night duty counsel" service was implemented in York County where persons accused of serious crimes can telephone between 5 p.m. and 8 a.m. for the purpose of obtaining advice from a solicitor or of having a solicitor visit him in his place of confinement.

A sub-committee under the chairmanship of A. M. Linden, appointed to consider the function of duty counsel at the Old City Hall, York County, reviewed the night duty counsel programme and recommended that the service be integrated with the York County Extended Duty Counsel project. The Committee approved this recommendation.

SUB–COMMITTEE ON PUBLIC INFORMATION

In September 1977 Convocation approved the report of the sub-committee on Public Information which recommended the appointment of a Public Information Officer.

On November 23rd, 1977 the sub-committee under the chairmanship of A. M. Linden, selected Mr. John Beaufoy for the position. Mr. Beaufoy wrote the early legal aid stories for the Globe and Mail and more recently he has been working for the Ombudsman. Mr. Beaufoy will assume his responsibilities on February 1st.

The Committee approved the appointment.

APPOINTMENT OF AREA DIRECTORS

At its meeting in June, 1977 the Legal Aid Committee had before it a working paper on regionalization which had been distributed to the Area Directors for their comments. At the July meeting the Committee invited five Area Directors to attend and express their opinions of the proposals as set out in the working paper. Area Directors were also asked to respond in writing setting out their views by the end of August. Throughout the summer group meetings of Area Directors were also held.

On December 2nd a joint meeting of the 46 Area Directors and members of the Legal Aid Committee took place. The general view was that in the vast majority of legal aid areas in the province the system as it now exists is adequate.

During the past year several Area Directors have been appointed to the Bench, retired, etc. Temporary appointments were made to fill such vacancies until the matter of regionalization had been explored in greater detail.

The Committee approved the request of the Director to negotiate permanent appointments on a one or two year renewable basis for the following areas: Kent County, Leeds and Grenville Counties, Lincoln County, Wellington County, Bruce County.

DUTY COUNSEL IN DOMESTIC SITTINGS

A sub-committee consisting of Lee K. Ferrier, R. J. Carter, and W. Reid Donkin, was appointed to meet with representatives of the Family Court in an attempt to resolve problems which were being experienced in the said court.

In November, 1976, the Committee and Convocation approved the following recommendations:

1. Subject to the approval of an Area Director, duty counsel appearing in a juvenile court may continue to represent a juvenile in subsequent appearances where deemed appropriate.
2. That an experiment be conducted at the court at 311 Jarvis Street by posting duty counsel to the domestic sittings conducted by two judges, and that the experiment be carefully monitored, both by the court and by the Legal Aid office, with a view to establishing whether such a system should be instituted in this court for all domestic sittings.

The Committee had authorized the project to continue until the end of December, 1977.

The Committee reviewed in depth a report from W. Reid Donkin, Area Director, York County, on the pilot project, authorizing the posting of duty to domestic sittings.

Mr. Donkin requested that in view of the success of the project it be extended to March 31st, 1978. The Committee approved.

LEGAL AID COMMITTEE

Roger E. Salhany has retired as a member of the Legal Aid Committee.

The Committee recommended that Clayton Ruby be appointed a member of the Legal Aid Committee to replace Mr. Salhany.

LEGAL AID COMMITTEE

The Committee noted the correspondence from the Attorney General's Department advising that three lay members of the Committee (Mr. William Baker, Father D. Lacelle, Mr. David Lewis) had been retired.

AREA COMMITTEES

Section 4 (1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

Essex County

Mrs. Barbara Rowland, housewife, McGregor.
Mrs. Donna Miller, Director, Hiatus House, Windsor.
Dr. David Fisher, physician, Windsor.

Simcoe County

Mr. G. T. Evans, solicitor, Orillia.

Lambton County

Donald J. C. Elliott, solicitor, Sarnia.

Haldimand County

L. P. Thibideau, solicitor, Cayuga.

Perth County

John R. Sheeler, former Assistant Provincial Director, The Ontario Legal Aid Plan, St. Mary's.

RESIGNATIONS

Brant County

Robert I. Ryerson, Q.C., Brantford.

Haldimand County

V. B. Collins, Q. C., Dunnville.

Lambton County

Lyle Curran, Q.C., Sarnia.

THE REPORT WAS ADOPTED

. . . .

LEGAL EDUCATION COMMITTEE (Continued)

As an addendum to the Report of the Legal Education Committee's meeting of 12th January, 1978, the Chairman reviewed the present arrangements in the Bar Admission Course for grading and reviewing results of examinations for the purpose of determining whether a student has attained pass standing. He referred to a letter from Mr. Ian Scott who represented a group of the students who object to the fact that the basis of grading and examining was changed for those entering the teaching portion of the Bar Admission Course in 1977.

The reporter was sworn.

Mr. Ian Scott attended in Convocation and was advised that his letter to the Treasurer of 19th January, 1978, had been read to Convocation.

Mr. Scott made submissions and proposed that in the teaching portion of the 19th Bar Admission Course the basis of grading be modified:

1. to a one fail system, or
2. to grant present students the choice of the new or the old systems, or
3. that a sub-committee be struck to review the new system on an urgent basis.

. . . .

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:50 P.M.

. . . .

The Treasurer and Benchers had as their guests for luncheon The Honourable W. D. Parker, recently appointed Associate Chief Justice of the Trial Division of The Supreme Court of Ontario; The Honourable J. Edward Eberle, recently appointed a Judge of The Supreme Court of Ontario; and His Honour Associate Chief Judge Harold Rice, recently appointed Associate Chief Judge of the Criminal Division of the Provincial

Courts of Ontario.

. . . .

CONVOCATION RESUMED AT 2:30 P.M.,
A QUORUM BEING PRESENT

. . . .

LEGAL EDUCATION COMMITTEE (Continued)

Convocation continued consideration of the submissions and proposals made by Mr. Ian Scott.

It was moved and seconded that the matter be referred to the Legal Education Committee for consideration and report.

Not put

It was moved and seconded that the students in the current teaching portion of the Bar Admission Course, in this year only, be granted pass standing in the Course if they qualify either under the present method of grading and examining or if they would have qualified under the method which was in force last year.

Withdrawn

It was moved and seconded that the present grading system prevail provided that after supplementary examinations are held such will not result in any present member of the teaching portion of the Bar Admission Course failing if such would not have resulted under the former method of grading.

Carried

It was moved and seconded that the present system of grading and marking of examinations remain in force provided that in this year only no student shall be deemed to fail the course who has failed only one subject in the regular or special examinations or who has written supplemental examinations and has failed only one subject.

Lost

It was moved and seconded that the Bar Admission Course Advisory Committee be expanded to include members of the articling portion of the Course and that the Committee meet ten months of the year.

Carried

. . . .

LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. P. G. Furlong, Chairman, presented the Report of the Legislation and Rules Committee of its meeting on Friday, 20th January, 1978.

The following members were present: Messrs. Furlong (Chairman) and Ogilvie, and Mrs. Legge.

SPECIAL COMMITTEE ON CONVOCATION AND ELECTION OF BENCHERS

The following items arose out of resolutions of Convocation with respect to the reports of the Special Committee on Convocation and Election of Benchers of April 15th and June 17th 1977, respectively.

(a) Section 12 of The Law Society Act–
ex officio benchers

In the above Special Committee's report of April 15th, the following resolution appears:

> "Paragraphs 1, 2, 3, 4, and 5 of subsection 1 of section 12 of the Act were considered by the Committee and it is recommended that these be repealed and that only the persons holding the office of The Minister of Justice and Attorney General for Canada and of The Attorney General of the Province of Ontario be ex officio benchers by statute while such persons hold such office. It is felt that no meaningful purpose is served by perpetuating the persons mentioned in paragraph 3 (in part), 4 and 5 as ex officio benchers. It is further recommended that the right to vote of the Attorney General for Ontario be maintained."

The Committee upon consideration of the matter recommended that subsection 1 of section 12 of the Act be amended by repealing paragraphs 2, 3, 4 and 5, adding a new paragraph 2 to read "The Attorney General for Ontario", and by renumbering the remaining paragraphs so that subsection 1 will read as follows:

> 12.–(1) The following, if and while they are members, are *ex officio* benchers:
>
> 1. The Minister of Justice and Attorney General of Canada.
> 2. The Attorney General for Ontario.
> 3. Every person who was elected a bencher at four quinquennial elections and became an *ex officio* bencher under paragraph 4 of Section 5 of The Law Society Act as that paragraph was before it was re-enacted in 1964.
> 4. Every person who was elected a bencher at three quinquennial elections and served as a bencher for fifteen years and became an *ex officio* bencher under paragraph 4 of section 5 of *The Law Society Act* as re-enacted in 1964.
> 5. Every person who was elected a bencher at three elections and served as a bencher for fifteen years before the election in 1975.
> 6. Every person who is elected a bencher at four elections and who serves as a bencher for sixteen years. R.S.O. 1970, c. 238, s. 12 (1); 1972, c. 1, s.9 (7).

As a result of the renumbering in subsection 1 of section 12, it is necessary to amend subsection 3 by deleting the words "paragraph 3" in the second line thereof and substituting the words "paragraph 2" therefor.

(b) *Rule 29 –*
Reports on Attendance of Benchers

In the Special Committee's report of June 17th, the following item appears:

> "Your Committee has reconsidered its recommendation dealing with this matter contained in its original report and approved by Convocation. The Committee feels that a simpler and more direct way of dealing with this matter should be as follows and recommends

> accordingly.
>
> If a bencher fails to attend three consecutive meetings of a standing committee, the Chairman of the committee or the Secretary shall request an explanation in writing from such bencher. If the Treasurer is not satisfied with the explanation, he may remove such bencher from the standing committee and appoint another bencher in his or her place if necessary, and such removal and any new appointment shall be published in the Communiqué."

The Committee recommended that rule 29 be revoked and the following substituted therefor:

> 29.–(1) Except as provided by subrule 2 of this rule, the members of the standing committees of Convocation shall be elected at a Convocation and hold office until their successors are elected.
>
> (2) The Treasurer may remove from any standing committee any member who fails to attend three consecutive regular monthly meetings of the committee and appoint a member in his place and shall report such removal and appointment to Convocation.

The Committee had not ignored the Special Committee's recommendation with respect to publication in the Communiqué but was of the opinion that the "Communiqué" is without meaning in the rules. It seems the object of the resolution is to give notice to members of the Society and if the Treasurer reports to Convocation that notice will follow by publication of the minutes of Convocation.

(c) Election procedures

The report of the Special Committee and Convocation's resolutions impliedly required this Committee to amend the rules or regulations to provide for the new election procedures relating to the provision of information about candidates for election as benchers. Convocation approved the following recommendation contained in the Special Committee's report of June 17th, 1977, namely, that

> "Convocation direct the Secretariat to outline for the consideration of Convocation new election procedures in the light of the approved recommendations of the committee in this regard, guided as far as possible by present procedures provided by the Statute and the rules."

The Committee is awaiting approval by Convocation of the outline to be submitted to it by the Secretariat.

(d) Election of Treasurer

Upon consideration of this matter, the Committee became aware that there is no apparent prescribed or published procedure for nomination for the office of Treasurer and seeks advice of Convocation whether this Committee should proceed at this time to incorporate in the rules the voting procedure referred to in the Special Committee's report or if it is Convocation's direction to defer that subject until some procedure for nomination for the office of Treasurer is prescribed.

It was moved, seconded and *carried* in Convocation that the existing practices respecting the election of Treasurer be embodied in the Society's Rules.

INCORPORATION OF LAW PRACTICES

The Committee continues its consideration of statutory amendments to provide for incorporation of practices and pursuant to the report of the Special Committee on the Incorporation of Law Practices dated June 9th, 1977, has determined the assistance of counsel is necessary and has received from the Chairman of that Special Committee authority to retain counsel. The Chairman of this Committee in conjunction with the Secretariat was authorized to select counsel. This work continues.

THE REPORT AS AMENDED WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 12th January, 1978.

The following members were present: Messrs. Pallett (Chairman), Brulé (Vice-Chairman), Farquharson, Fennell, Ground, Ogilvie, Pepper and R. F. Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to Judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Clifford James Stiles Toronto	Called – June 28th, 1956 Appointed Provincial Judge Criminal Division, Regional Municipality of Hamilton-Wentworth – October 17th, 1977
Jack David Nadelle Ottawa	Called – March 22nd, 1968 Appointed Provincial Judge, Judicial District of Ottawa-Carleton – November 15th, 1977
Harry Walter Edmonstone, Q.C. St. Catharines	Called – June 25th, 1953 Appointed Provincial Judge, Criminal Division, Judicial District Niagara North – December 10th, 1977
George Brian Thomas Clements Windsor	Called – March 23rd, 1966 Appointed County Court Judge, Kent County – December 24th, 1977
Eric Richard Lovekin Newcastle	Called – September 20th, 1956 Appointed County Court Judge, Judicial District of Peel – December 24th, 1977
John Edward Eberle Toronto	Called – June 23rd, 1955 Appointed Judge of the Supreme Court of Ontario, High Court of Justice – December 24th, 1977

Noted

Deaths

The following members have died:

Clarence Laverne Yoerger, Q.C. Toronto (Life Member)	Called – October 15h, 1925 Deceased – November 8th, 1977
Thomas Gordon Farmer, Q.C. North Bay	Called – June 21st, 1951 Deceased – October 13th, 1977

Hugh Harvie Donald, Q.C. Toronto (Life Member)	Called – May 22nd, 1914 Deceased – November 13th, 1977
Frances Armstrong Milne Hamilton	Called – September 19th, 1929 Deceased – October 13th, 1977
Harry Richards McGladdery, Q.C. Windsor	Called – November 22nd, 1923 Deceased – November 22nd, 1977
John Murray McPherson Jr., Q.C. Owen Sound	Called – June 16th, 1932 Deceased – September 3rd, 1977
Edward Melville Smith Winder, Q.C. London	Called – November 20th, 1930 Deceased – December 1st, 1977
Norman Alexander Keys, Q.C. Scarborough (Life Member)	Called – May 20th, 1915 Deceased – December 7th, 1977
Bernard Thomas O'Connell Mississauga	Called – September 16th, 1960 Deceased – December 15th, 1977
Alexander Roy McIntyre, Q.C. Toronto	Called – September 14th, 1951 Deceased – January 2nd, 1978
George Albert Beale, Q.C. Brockville	Called – October 16th, 1930 Deceased – December 29th, 1977
Ray Thornley Birks, Q.C. Kincardine (Life Member)	Called – May 25th, 1917 Deceased – December 20th, 1977
James Arthur Ryerson Mason, Q.C. Toronto (Life Member)	Called – October 16th, 1919 Deceased – December 25th, 1977
John MacDonald Burden, Q.C. Toronto (Life Member)	Called – May 20th, 1920 Deceased – December 28th, 1977
Garnet LeRoy Rodd, Windsor (Life Member)	Called – October 16th, 1919 Deceased – December 20th, 1977

Noted

MEMBERSHIP RESTORED

His Honour *Thomas Russel Swabey* gave notice under Section 31 of The Law Society Act that he had resigned as a Provincial Judge for the Province of Ontario effective January 2nd, 1978, and wished to be restored to the Rolls of the Society as a barrister and solicitor. Accordingly, his membership will be restored effective January 3rd, 1978.

Noted

MEMBERSHIP UNDER RULE 50 – RETIRED MEMBERS

The following members who are sixty-five years of age and over and who are fully retired from the practice of law and other employment, requested permission to continue their membership in the Society at a reduced annual fee of $25:

Daniel Alexander Arbuckle – Ottawa
Horace Reginald Button, Q.C. – Whitchurch-Stouffville
Lloyd Hamilton Goodwin, Q.C. – St. Catharines
Hugh Gerard Hazen Hansard, Q.C. – Montreal
Murray Morris Herman, Q.C. – Toronto
John Francis McGarry, Q.C. – Toronto
Robert Alan MacDougall, Q.C. – Woodstock
George Douglas McIntyre, Q.C. – Leamington
John King Oldfield – Florida
Archibald Trew Olmsted – Hamilton
John Chester Smith, Q.C. – Fort Frances
Ronald O'Neill Standish, Q.C. – Peterborough
William Basil Stasiv, Q.C. – Thunder Bay
Lloyd James Tomlinson, Q.C. – Toronto
Aaron Sobel – Toronto

Approved

The following members who requested permission to continue their membership under Rule 50 – Retired Members, had not filed required forms. The Committee was asked to approve their requests subject to the receipt of satisfactory declarations respecting their retirement:

John Edward Milne, Q.C. – Hamilton
John Howard Ready – Islington
Norval Close Norton – Ottawa

Approved subject to their filing the required forms.

The following member submitted a request to pay a reduced annual fee under Rule 50 – Retired Members, but was still employed as a part-time Provincial Judge:

Harold Douglas Peterson, Q.C. – Bruce Mines

The Committee recommended he be advised that he must pay full fees, unless he qualifies under Section 31 of The Law Society Act to have his membership go into abeyance.

MEMBERSHIP UNDER RULE 50 – INCAPACITATED MEMBERS

The following members requested consideration of their applications under the new provision of Rule 50, which allows disabled members to continue their membership in the Society at a reduced annual fee of $25:

Wallace Manning Fram – Toronto
Joseph Antonine Legris, Q.C. – Toronto
John Joseph Patrick McDermot, Q.C. – Picton
Roger Nantel Sequin, Q.C. – Ottawa
Gerald Stanislaus Horgan, Q.C. – Toronto
John Desmond Morton, Q.C. – Toronto

Approved

The following member who requested permission to continue his membership under Rule 50 – Incapacitated Members, had not filed the required form. The Committee was asked to approve his request subject to the receipt of a satisfactory declaration respecting his disability:

Gordon Harris Bates – Lakefield

Approved, subject to his filing the required form.

RESIGNATIONS

Philip Hardwick Moreland of Sydney, Nova Scotia, applied for permission to resign his membership in the Society and submitted his Declaration in support with a request that he be relieved from the requirement of publication in the Ontario Reports.

Approved

REFUND OF ANNUAL FEES

Alexander Roy McIntyre, Q.C. died on 2nd January, 1978. His annual fees had already been paid and an Annual Certificate issued to him. The solicitors for the Estate asked the Society if a refund of the fees can be made.

Bernard Thomas O'Connell died on 15th December 1977. His annual fees had already been paid and an Annual Certificate issued to him. The Society was asked to make a refund of the fees to the Estate.

George Albert Beale, Q.C. died on 29th December, 1977. His annual fees had already been paid and an Annual Certificate issued to him. The Society was asked to make a refund of the fees.

Approved

CHANGES OF NAME

Mary Elizabeth Burt, a solicitor practising in Toronto, requested that her name be changed on the Rolls of the Society to Mary Elizabeth Burt *Salter,* thus including her married name.

Paul Stephen Leslie Simon, a solicitor practising in Toronto, requested that his name be changed on the Rolls of the Society to Paul *Leslie Stephen* Simon.

Leslie Lee Adams, a solicitor practising in Alberta, requested that her name be changed on the Rolls of the Society to Leslie Lee Adams *Fryers,* thus including her married name.

Elizabeth Kathleen Kuglin, a student member, requested that her name be changed on the Rolls of the Society to Elizabeth Kathleen *Kuglin-Alyea,* thus including her married name.

Approved

1977/78 BUDGET

Libraries and Reporting Committee

When the 1977/78 Budget was prepared, an estimated amount was included to cover the cost of Ontario Reports for the period January to June 1978. At the time, a quotation had not been received from the printer which would provide a firm figure. A quotation has been received from Canada Law Book covering the whole year 1978, and it appears that the amount provided in the 1977/78 Budget for the first half of 1978 is adequate.

Discipline Committee

When the 1977/78 Budget was approved for Discipline

Committee, an amount of $85,000 was included to cover general expenses. Of this $49,500 related to expenses incurred in the Society's Secretariat and $35,500 to expenses incurred by the Audit staff.

The Discipline Committee approved the hiring of outside counsel in a number of discipline matters and it is likely that the Budget will be exceeded. Out of the $85,000 in the Budget, the expenditure to December 31st, 1977 is $34,280. The additional amount for counsel's fees not provided for in the Budget is likely to be approximately $25,000.

Noted

COUNSEL'S ACCOUNT

Mr. Claude R. Thomson has submitted his account in the amount of $850 in connection with a subpoena issued against the Discipline Committee.

Approved

MAINTENANCE DEPARTMENT

Employees in the Maintenance Department receive the benefits of a sick leave policy. Under this policy the employees are credited with unused sick leave and are entitled to be paid for the unused days up to a maximum of 180 days.

Mr. *John Glen,* who retired as Building Superintendent on December 31st, 1977, has claimed reimbursement for 180 days of sick leave entitlement.

Approved

ADMISSIONS COMMITTEE

The following item appeared on the agenda of the Admissions Committee at its meeting on January 12th, 1978:

> *Albert Edward Hugill* retired from the practice of law and resigned his membership in the Law Society in February 1969 due to financial reasons. He wished to resume his membership in the Society and, pursuant to Rule 50 "Retired members", to continue membership at the reduced annual fee of $25. He also asked to be relieved of the payment of $100 readmission fee.

The Committee recommended approval without payment of the readmission fee.

LEGAL EDUCATION COMMITTEE

The following item appeared on the agenda of the Legal Education Committee at its meeting on January 12th, 1978:

> The Director requested a revision in hours and salaries of five employees in the Printing Department. The recommendation would increase the number of hours as follows:

PRESENT:	Teaching Term:	22 weeks	35 hours per week
	Remainder:	30 weeks	32½ hours per week
	Total Hours:	1745	
PROPOSED:	Teaching Term:	28 weeks	40 hours per week
	Remainder:	24 weeks	32½ hours per week
	Total Hours:	1900	

The Director recommended increased annual salaries to reflect the increased hours and submitted to this Committee a schedule showing recommended salaries and increased costs.

Approved

LIBRARIES AND REPORTING COMMITTEE

The Libraries and Reporting Committee considered at its meeting on January 12th, 1978 a request from the Rainy River Law Association for a Special Grant. The Chief Librarian submitted to this Committee the following report with respect to the request:

RAINY RIVER LAW ASSOCIATION

A request for Special Grant under Regulation 35 (1) of The Law Society Act 1970, has been received from Rainy River Law Association to enable it to clear up debts in the amount $1,911.15 incurred during the period 1974-1976 when, due to the illness and subsequent death of the Treasurer at the time, bills accumulated to that figure. Indebtedness in November 1977 consisted of amounts owing to the following:

Carswell Company	$1,741.15
Canada Law Book	45.00
C.C.H. Canadian	125.00
	$1,911.15

The Carswell Company has cut off subscriptions to the various continuations which it supplies the association's library and will reinstate them on payment of the above indebtedness. This district library was inspected on January 5, 1978 and the Treasurer, Mr. Theo Wolder, discussed the problem, stating it was his belief that the association would be able to carry the cost of its share of the upkeep of the library from now on providing the present debt is cleared. Rainy River has benefited from the Law Foundation grants and will continue to do so as its new materials and payment of the librarian's salary will be available from this source. As well, this association expects to be given additional space in the court house and necessary library furnishings to accommodate its small but expanding collection of books.

This association had 10 members in 1976 who each paid $50 membership fee per annum. Total income for 1976 was $1,939.75. Of this amount $450 represented fees for 1975 which were taken into account early in 1976. Actual income for 1976 may be stated at $1,489.75 and income for 1977 should equate this amount. There is a balance on hand of approximately $500, so that total funds on hand should amount to $2,989.75. Expenditures are estimated at $2,577 and it is thought that the association will be able to handle this, provided it receives assistance to clear off the above-noted debt of $1,911.15.

This association was incorporated by letters patent in 1909. Along with five other judicial districts, Rainy River received a Special Grant of $500 in 1924 made to already established or newly established associations to purchase library books. On April 21, 1935, a request for a Special Grant of $300 was made. It was suggested a loan be granted instead. No action was taken. In 1970, a Special Grant of $1,648.54 was made, to clear off accumulated debts.

On the recent inspection, it was noted that this association lacks current volumes of various reports due to the action of the publishers to whom money is owing of discontinuing subscriptions. Also, it was noted that the *Law Reports* (English) could not be kept up to date due to lack of funds and a gap of some twenty years exists. The *All England Law Reports* which were continued have also lapsed. It is expected that some of the problems relating to the upkeep of the English materials may be alleviated through assistance from the Central Administrative Programme. This library is in a particularly isolated situation. The closest libraries are located at Kenora and Thunder Bay. There are no other local resources on which it can rely.

The present Treasurer of the Association has had a difficult task in straightening out the various financial problems related to the operation of this association but has now managed to bring things under control.

Under Reg. 35 (1) Rainy River is entitled to $2,250 by way of Special Grant. It is recommended that Rainy River receive Special Grant in that amount.

The Libraries and Reporting Committee approved this recommendation subject to the approval of this Committee.

Approved

OFFICE EQUIPMENT

There is a considerable volume of confidential material which has to be destroyed each month. It is recommended that the Society acquire a paper shredder to handle such things as copies of reports to Convocation, Computer print-outs, etc.

A quotation of $2,386 has been received from Shredmaster of Canada for a machine which will handle the Society's volume of waste material.

Approved

CANADIAN LAW INFORMATION COUNCIL (CLIC)

In November 1977 the Committee had before it a request for financial support in which the Council requested a grant amounting to an assessment of $40 per member. Mr. Norman Rogers, the Society's representative on the Council, attended before the Committee on behalf of CLIC and made submissions.

The Committee recommended that the matter go forward to be considered for inclusion in the next budget.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE–Mr. Lochead

GENERAL

Mr. J. D. Carnwath, Vice-Chairman, presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 8th December, 1977.

The following members were present: Messrs. Lochead (Chairman), Bynoe (Vice-Chairman), Carnwath (Vice-Chairman), Cass, Cooper, Furlong, Humphrey and Ruby.

1. REPORT OF THE SUB–COMMITTEE ON FEES TO BE PAID TO OUTSIDE COUNSEL AND REFEREES

The Sub-Committee's Report is set out below:

> A sub-committee composed of Messrs. Ground, Bynoe and Carnwath was appointed by the Policy Section at its June meeting to consider the fees to be paid to outside counsel and referees. A meeting was held on September 8th, 1977 and certain conclusions were reached.
>
> #### REFEREE'S REMUNERATION
>
> The Society presently pays persons sitting as referees in Compensation Fund matters a per diem fee of $300 plus disbursements. There has been no increase in this fee for over 6 years. Your sub-committee recommends that the present rate be increased to $400 per day together with disbursements. At the present time there is one referee who lives outside Toronto and he is allowed a mileage disbursement. It is the sub-committee's understanding that if a referee were to put in half a day the fee would only be $200. Your

sub-committee recommends that the proposed increase in remuneration paid referees be retroactive to July 1st, 1977. A proposal emanating from one of the referees that all referees should be exempt from the payment of the Compensation Fund levy because of the appearance of a conflict of interest was considered by your sub-committee to be without merit.

FEES TO BE PAID TO OUTSIDE COUNSEL

Your sub-committee gave considerable thought to the question of fees to be paid to outside counsel in discipline matters. It was the feeling of the sub-committee that the fees payable by the Society should be sufficient to attract competent counsel but should not be at a scale which counsel might charge in a significant matter to a major client. It was the feeling of the committee that no attempt should be made to distinguish between "senior counsel" and "junior counsel" in the matter of fees. Your sub-committee recommends that in normal cases the Society pay a daily counsel fee of $500 and $50 an hour for preparation. It is recommended that a letter be sent to counsel when they are retained setting out the fees payable by the Society in normal circumstances. This wording would permit the Society the necessary flexibility to pay counsel at a higher rate if senior counsel were to be retained in a particular case.

The Committee recommended that the sub-committee's recommendations be adopted except that with respect to the recommendation dealing with referees' remuneration the Committee is of the opinion that the present per diem fee of $300 plus disbursements should stay in effect subject to the Policy Section having the discretion on the application of a referee to increase the fee. When determining whether an increase is warranted consideration is to be given to the circumstances of the referee so applying.

It was moved and seconded in Convocation that the original recommendation of the sub-committee respecting the per diem fee for referees be approved and that the recommendation of the Committee that consideration be given to increasing the fee in certain circumstances be deleted.

Lost

It was moved and seconded that all the words in the second paragraph following the word "effect" in the first sentence of the Discipline Committee's recommendation be deleted.

Carried

2. RULING 14 – INVITATIONS TO ATTEND

At a recent Invitation to Attend involving a lawyer who had breached one of the provisions of Ruling 14, it appeared to the Committee members present that a senior partner of the attending solicitor had, in no small way, contributed to the lawyer's misinterpretation of this Ruling. It has been decided that if the Chairman or a Vice-Chairman on reviewing a Ruling 14 violation is of the opinion that another member of a lawyer's firm was instrumental in the lawyer borrowing from a client and thereby breaching the provisions of Ruling 14, that other member should also be Invited to Attend. However, if it does not become apparent that another member has been involved in the borrowing situation until the first lawyer is actually before the Committee on the Invitation to Attend, the Committee should determine whether the second member should be Invited to Attend and if so issue the necessary instructions. The Committee has, in the past, expressed the opinion that another member of a lawyer's firm cannot give independent legal advice to the borrowing solicitor's client.

Since it appears that some members of the profession are still not aware of this opinion it is requested that reference be made to this in the Communiqué.

3. RETAINING OF OUTSIDE COUNSEL FOR DISCIPLINE HEARINGS

When a discipline matter is referred to the Chairman or a Vice-Chairman and instructions are given that a Complaint is to be issued, the instructing Bencher will also indicate whether outside counsel is to be retained. The guideline to be followed is that outside counsel will always be retained in matters where it appears possible that the penalty imposed, should the Complaint be found established, would exceed that of a Reprimand in Committee.

4. BALANCE IN TRUST ACCOUNT OF DECEASED MEMBER OF THE SOCIETY

The lawyer for a deceased member of the Society who died 3rd February 1977, advised that after meeting all of the deceased member's trust obligations the sum of $100 remains in the trust account. This amount had been deposited by the said member personally, according to the lawyer, to keep the account open. The trust company that holds this trust account requested a letter from the Society stating that it has no objection to the release of these funds. Section 18 (8) of the Regulation states that money shall not be drawn from a trust account other than in five specific instances. This situation is not one of the five. Subsection 11 states that money other than as permitted by subsection 8 shall not be drawn from a trust account unless Convocation specifically authorizes, in writing, its withdrawal.

The Committee recommended that Convocation authorize the withdrawal of the $100 from the trust account.

THE REPORT AS AMENDED WAS ADOPTED

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Mr. Carnwath presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 12th January, 1978.

The following members were present: Messrs. Carnwath (Vice-Chairman acting as Chairman), Bynoe (Vice-Chairman), Cass, Cooper, Furlong, Kellock, Ruby and Mrs. Sutherland.

1. TRUST ACCOUNTS

Recently when reviewing Form 2 Auditors' Reports it was noted that a sole practitioner who was carrying on practice with other lawyers, under the name "Smith, Jones", appeared to have his trust account in the name "Smith, Jones" instead of only his own. Section 18 (1) of the Regulation made pursuant to The Law Society Act reads as follows:

> "18. – (1) Every member who receives money in trust for a client, except money hereinafter expressly exempted from the application of this section, shall forthwith pay the money into an account at a chartered bank, provincial savings office or registered trust company to be kept in the name of the member or in the name of the firm of which he is a member or by which he is employed and designated as a trust account."

As a result of the wording in the above subsection it had been suggested to the solicitor that his trust account should be in his name only. Subsequently the solicitor advised that while the cheques drawn on the account have printed thereon the names "Smith, Jones", the bank account itself is in his name alone. This is in accordance with his instructions to the bank. The bank regards him as its sole customer. The Committee is of the view that the solicitor is complying with the provisions of Section 18 (1) of the Regulation and therefore there is no action required by the Society.

2. The Committee reviewed other matters and where called for issued the necessary instructions.

THE REPORT WAS ADOPTED

. . . .

COMPENSATION FUND REPORT – EMIL T. LENKO

Mr. Carnwath was prepared to present the Report of the Discipline Committee of its meeting on Tuesday, 10th January, 1978, to consider the final report of the referee with respect to the remaining claims against the Compensation Fund in connection with the practice of Emil T. Lenko of Hamilton, a disbarred lawyer.

Stand

. . . .

COMPENSATION FUND SUMMARY

Mr. Carnwath presented the Compensation Fund Summary for the period ended 31st December, 1977.

COMPENSATION FUND

For the Period 1st July, 1977 to 31st December, 1977

(6 months)

TOTAL RECEIPTS	$ 274,950.22
TOTAL DISBURSEMENTS	$ 20,596.96
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 254,353.26
BALANCE OF FUND at beginning of period	$1,360,674.79
BALANCE OF FUND at end of period	$1,615,028.05

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 31st December 1977	$3,230,011.62
TOTAL PAID to 31st December 1977 from the commencement of the Fund on account 1,004 claims of 110 former solicitors	$4,053,512.89

THE SUMMARY WAS RECEIVED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. J. D. Carnwath was prepared to present the Report of the Professional Conduct Committee of its meeting on Thursday, 12th January, 1978.

Stand

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LIBRARIES AND REPORTING COMMITTEE–Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 12th January, 1978.

The following members were present: Messrs. Seagram (Chairman), Farquharson, Rogers, Salhany, Strauss, Mrs. Tait, and Mr. Wallace, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The following donations to the Great Library were received:

Legislative Librarian, National Assembly of Quebec, Quebec, P.Q. Jacques Premont, Q.C. The Chief Librarian,	Cameron, M. G. *The ditches and water-courses acts of Ontario.* Toronto, Carswell, 1886; Hassard, A. R. *Private International Law.* Toronto, Goodwin, 1899.
Harris Wineberg, Legal Research Officer, Law Reform Commission of Saskatchewan, Saskatoon, Sask.	Rordans, J. *The Canadian Conveyancer and hand-book of legal forms.* 3d ed. rev. Toronto, 1879.
The Insurance Bureau of Canada, Toronto, Ontario S. J. Bryson, Librarian	Prince Edward Island. Laws, statutes, etc. *The revised statutes of Prince Edward Island 1974.* Charlottetown, Queen's Printer [1975?] 3 v.

Noted

BOOKLIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY LAW LIBRARIES

RAINY RIVER LAW ASSOCIATION

The Chief Librarian reported that she had inspected the law library of the above association on January 5, 1978 and was informed that the association had debts to law book publishers in the amount of $1,911.15. This association has benefited from the Law Foundation grants and will continue to do so in the future. Miss McCormick reported that the association had 10 members in 1976 who each paid $50 membership fees per annum. Total income for the association in 1976 was $1,939.75. Under Regulation 35 (1) the association is entitled to a special grant of $2,250. The Chief Librarian recommended that Rainy River receive a special grant in the amount of $2,250.

Approved, subject to the approval of the Finance Committee.

INSURANCE OF BOOKS

The Committee considered an inquiry of the Hamilton Law Association concerning a blanket fire insurance policy for all County Law Libraries and the books which are owned by the Law Society.

The Committee recommended that this matter be referred, by Miss McCormick, to the Society's insurance advisers to make a recommendation and report to this Committee with estimated insurance premiums for (a) fire insurance on the books, (b) water damage and (c) public liability.

BARRISTERS' LIBRARY, 145 QUEEN STREET WEST

The Secretary reported that he had received two letters concerning the air conditioner-dehumidifier at the above library. The Secretary reported that Mr. Jarvis, Mr. Heeney and the Treasurer were of the opinion that the proposal of the Ministry of Government Services should be rejected because the contents of the letter dated November 23, 1977 were not the same as the proposal which Convocation approved. The Secretary was instructed to write to Mr. Heeney and find out the reasons why the proposal was rejected and to report to the next meeting of the Committee.

REPORTING

SUB–COMMITTEE ON LAW REPORTING

Mr. Farquharson presented the final report of the sub-committee for discussion by the Committee. The Committee recommended that the six recommendations in the sub-committee's report which are as follows:

1. That we have a meeting with CLIC, Canada Law Book Limited and Cartwright & Sons Limited to discuss the copyright problem.
2. That a continuing dialogue be maintained with the publisher to establish the criteria for the selection of cases and the abridgement of some judgments.
3. That the tender of Canada Law Book Limited for 1978 be accepted.
4. That a fifth volume of the O.R.'s for 1977 not be published.
5. That the minutes of Convocation be printed and distributed separate and apart from the O.R.'s.
6. That subject to funding the Blue Pages be revived.

be approved. The Secretary was instructed to prepare a preliminary budget for reviving the Blue Pages.

It was moved, seconded and *carried* in Convocation that one item in the Report be deleted.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mrs. L. L. Legge presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 12th January, 1978.

The following members were present: Messrs. White (Chairman), Cass, Furlong, Mrs. Legge, Messrs. Pomerant, Seagram, Strauss and Tobias.

1. The Committee approved three accounts of counsel for the Law Society.

2. The Committee considered two letters of complaint from solicitors concerning an individual carrying on a business in Toronto with respect to titles, who appeared to be acting as a solicitor in real estate transactions and also guaranteed a good and marketable title to purchasers. The Secretary was instructed to refer this matter to counsel for an investigation to see whether there was sufficient evidence of a breach of Section 50 of The Law Society Act.

3. The Committee considered a complaint from a solicitor concerning a law clerk who appeared to be holding himself out as a solicitor and acting as a solicitor. The Secretary was instructed to refer this matter to counsel for an investigation and to advise counsel that if the limitation period of 6 months had expired, some of the facts in the letter should still be subject to an investigation. Counsel was instructed to confer with the complaining solicitor for further evidence. The Secretary was instructed to send the complaining solicitor's letter to both the Discipline Committee and the Professional Conduct Committee. The Discipline Committee was asked to investigate various unnamed solicitors who are using this individual as a law clerk who operates storefront law offices without adequate supervision. The Professional Conduct Committee was asked to look into the complaining solicitor's statement concerning various unnamed solicitors who appear to be fee-splitting or working for a flat rate.

4. The Committee considered an enquiry from two law clerks in Thunder Bay who wanted an opinion from the Committee as to what paralegal services they could undertake. The Secretary was instructed to write the law clerks and advise them that the term "Legal Assistants" is objectionable as it appears that they are holding themselves out to be barristers and solicitors. The Secretary was also instructed to send the law clerks a copy of Section 50 of The Law Society Act and to suggest that they consult their own solicitor as to whether the services outlined in the enquiry would be unauthorized practice.

5. The Committee considered a complaint from a solicitor about an advertisement of a company which offered

bookkeeping, accounting, incorporation and tax services, The Secretary was instructed to refer this matter to counsel for an investigation and if there was sufficient evidence, a prosecution under Section 50 of The Law Society Act. The Secretary was also instructed to send a letter to the Public Accountants Council.

6. The Committee considered a complaint about a law clerk who had completed the sale of a house while employed by a solicitor and had failed to account to the client for the proceeds of the sale. The Secretary was instructed to refer this matter to the Discipline Committee since it appeared that the solicitor was responsible for the actions of his law clerk in not accounting to the client for the proceeds of the sale of the house.

7. The Committee considered a complaint from a solicitor about a conveyancer and a real estate company. The Secretary was instructed to write to the solicitor and send a brief of the decided cases. He was also instructed to advise the solicitor that there is a 6 months limitation period for prosecution under Section 50 of The Law Society Act and ask if there is any further admissible evidence which is within the limitation period.

8. The Committee considered a complaint from a solicitor that a real estate broker appeared to be acting as a solicitor. The Secretary was instructed to refer this matter to counsel and if there was sufficient evidence of a breach of Section 50 of The Law Society Act, to commence prosecution.

9. The Committee considered a complaint from a solicitor that an individual had appeared before the Orangeville Planning Board and was described in a newspaper article as a lawyer. The Secretary was instructed to write to the solicitor for evidence that the individual held himself out to be a lawyer other than the statement to this effect in the newspaper article.

10. The Committee considered a complaint from a solicitor concerning an individual holding himself out to be a solicitor and making a statement that he had been a practising lawyer for 40 years. The Secretary was instructed to refer this matter to counsel for investigation and if sufficient evidence was found, to commence a prosecution. (Mrs. Legge took no part in the

proceedings and abstained from voting.)

11. The Committee considered an enquiry from a New Brunswick solicitor who is employed by an Ontario company in the engineering field. The enquiry asked for the opinion of the Committee as to whether it was proper for a non-member to appear before the National Energy Board, the Ontario Municipal Board, the Ontario Environmental Assessment Board and the Ontario Energy Board. The Secretary was instructed to write to the New Brunswick solicitor and point out that a New Brunswick solicitor cannot practise law in the Province of Ontario. From the contents of the letter of enquiry, it would appear that the New Brunswick solicitor intends to undertake functions which may constitute the practising of law in the Province of Ontario and that it is not proper for a non-member to do so without being called to the Bar of the Province of Ontario. The Secretary was instructed to send a copy of the Rules of Admission of the Law Society with his letter.

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 5:10 P.M.

. . . .

Read in Convocation and confirmed 17th February, 1978.

W. GIBSON GRAY
Treasurer

THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 2

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 17th February, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. W. Gibson Gray) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carrier, Carter, Carthy, Cass, Chappell, Cooper, Farquharson, Finlayson, Furlong, Goodman, R. J. S. Gray, Ground, Humphrey, Mrs. Legge, Messrs. Lochead, O'Brien, Ogilvie, Outerbridge, Pallett, Pepper, Pomerant, Rogers, Ruby, Salhany, Seagram, Sheard, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, White and Zahoruk.

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MINUTES

The Minutes of Special Convocation of 19th January, 1978 were read and confirmed. *(See also p. 99.)*

. . . .

ROBERT LLOYD SEAMAN, Q.C., FORMER BENCHER

The Treasurer referred to the death of Mr. R. L. Seaman on 18th January, 1978 at Thunder Bay. Mr. Seaman served as a Bencher of the Society for ten years, having been elected in 1956 and 1961. He was called to the Bar on 19th May, 1921 and was a Life Member of the Society.

. . . .

DISCIPLINE COMMITTEE–Mr. Lochead

Re: ROBERT EMMET DESORMEAU, Orillia

Mr. G. H. Lochead, Chairman, placed the matter before Convocation.

The reporter was sworn.

The solicitor attended with his counsel, Mr. George Clegg. The Society was represented by Mr. W. S. Wigle, Q.C.

The Treasurer read a letter from Mr. Clegg giving notice that he will ask for an adjournment and that he will object to the findings made by the Discipline Committee as set out in the Decision dated 6th January, 1978. The Treasurer also read a letter from a doctor supporting the application for an adjournment.

Mr. Clegg made submissions and requested an adjournment of at least one month.

Mr. Wigle did not object to the adjournment.

Mr. Clegg stated that he would, as soon as possible, advise the Society what objections he would make to the findings set out in the Decision. Through his counsel, the solicitor undertook not to engage in practice until this matter is disposed of.

The solicitor, counsel and the reporter retired.

It was moved, seconded and *carried* that the matter be adjourned to a Convocation in March.

It was moved and seconded but withdrawn, that the matter be referred back to the Committee.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that an adjournment had been granted to a Convocation in March.

The solicitor, counsel and the reporter withdrew.

. . . .

ADMISSIONS COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 9th February, 1978.

The following members were present: Mrs. L. L. Legge, Vice-Chairman in the Chair, Messrs. Cass, White and Mrs. Sutherland.

OCCASIONAL APPEARANCES

John J. Pepper, Q.C. of the Province of Quebec applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces." He is acting on behalf of *British Airways* in connection with a proceeding under the *Combines Investigation Act.* Mr. Pepper complied with the requirements of Section 10 of the Regulations, presented a Certificate of Good Standing and asked to receive his call to the Bar of Ontario at the February Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Transfers from another Province

The following candidates, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $511, applied for call to the Bar and to be granted Certificates of Fitness:

Peter Charles Casey	Province of Quebec
David Mark Doubilet	Province of Quebec
Sal Joseph Anthony LoVecchio	Province of Quebec
Maurice Regnier	Province of Quebec

Approved

Special

The following candidate, having filed the necessary papers, complied with the requirements of the Admissions Committee in his particular case and paid the required fee of $200, is entitled to be called to the Bar and to be granted a Certificate of Fitness:

Paul Thomas Murphy	University of Windsor

Approved

Call to the Bar for Occasional Appearance

At its meeting on 12th January, 1978, the Admissions

Committee recommended that the following be allowed to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking, he be called to the Bar and admitted as a solicitor:

Roy Albert Gallagher	Province of Manitoba

At its meeting on 9th February, 1978, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking, he be called to the Bar and admitted as a solicitor:

John J. Pepper	Province of Quebec

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 26 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1977.

Approved

REQUEST FOR CALL TO THE BAR – SPECIAL

The Honourable Louis-Philippe de Grandpré, C.C., Q.C., retired as a Judge of the Supreme Court of Canada in October, 1977, and returned to the practice of law in Montreal. He wished to become a member of the Bar of the Province of Ontario.

The Committee considered that it had no jurisdiction to recommend that the applicant be called to the Bar under the Society's Regulations, and referred the matter to Convocation for decision. *(See motion, p. 79.)*

DIRECT TRANSFER FROM QUEBEC

The Committee considered and approved two applications to transfer to practise in Ontario from members of the Quebec Bar, who sought permission to proceed under Regulation 4 (2).

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Peter Charles Casey
David Mark Doubilet
Sal Joseph Anthony LoVecchio
Maurice Regnier
Paul Thomas Murphy
Roy Albert Gallagher
John J. Pepper

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, informed Convocation that Messrs. Lee K. Ferrier and Arthur C. Whealy, non-Bencher members of the Legal Aid Committee, and Mr. Dermot McCourt, Deputy Director of the Legal Aid Plan, were present to assist Convocation with respect to the proposed amendments to the Legal Aid Tariff. Messrs. Whealy and Ferrier are the Chairman and Vice-Chairman respectively of the Special Standing Committee on Legal Accounts and Mr. McCourt is a member of the said Committee.

Mr. Bowlby presented the Report of the Legal Aid Committee of its meeting on Wednesday, 8th February, 1978.

The following members were present: James B. Chadwick, Vice-Chairman in the Chair, Messrs. Barnes, Ellis, Ferrier, Mrs. Fleming, Mrs. Jarmain, Messrs. Jones, McLean, Ogilvie, Ruby, Russell, Shaffer, Mrs. Smyth, Messrs. Wallace, Whealy.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the nine month period ended December 31, 1977, shows that payments from the Legal Aid Fund were less than budget by $9,000. Funds designated for Community Clinics were underspent by $185,000 which means that payments for the remainder of the Legal Aid operation have exceeded budget by $176,000. This latter figure is accounted for as follows:

Over Budget	$	$
Civil certificate accounts	620,000	
Legal Advice certificate accounts	40,000	660,000
Under budget		
Criminal certificate accounts	65,000	
Duty Counsel payments	88,000	
Northern Ontario pilot project	94,000	
Salaried Duty Counsel project	12,000	
Area Office costs	102,000	
Provincial Office costs	123,000	484,000
Net over budget		176,000

Income from sources, other than the Province of Ontario, was less than budget by $251,000 as follows:

Under budget	$	$
The Law Foundation		340,000
Over Budget		
Client contributions	36,000	
Costs recovered	53,000	89,000
Net under budget		251,000

As at December 31, 1977, the balance in the Fund stood at $36,000.

Statistics

The following table compares reported activity for the first nine months of this fiscal year with the activity for the same period in the previous fiscal year.

	9 months ended		*% change*
	Dec. 31, 1977	*Dec. 31, 1976*	*from last year*
Informal applications	70,528	71,824	– 1.8
Applications for certificates	77,801	76,062	+ 2.3
Refusals	25,997	23,963	+ 8.5
As percentage of applications	33.4	31.5	
Certificates issued	56,969	57,328	– 1.1
Persons assisted by Duty Counsel:			
Fee for service	105,139	118,379	
Salaried Duty Counsel	20,053	–	
Total	125,192	118,379	+ 5.7

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	9 months ended December 31, 1977		*9 months ended December 31, 1976*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	148,329	100.0	147,886	100.0
Advice and referral (Informal applications)	70,528	47.6	71,824	48.6
Certificates issued	56,696	38.2	57,328	38.8
Unassisted persons	21,105	14.2	18,734	12.6
	148,329	100.0	147,886	100.0

The following is an analysis showing the reasons for refusing Legal Aid certificates in the nine month period ending December 31, 1977. Comparative percentage figures are shown for the eight month period ended December 31, 1976.

Reason	*9 months to December 31, 1977*		*8 months to December 31, 1976*
	No.	%	%
1. Financial information not given to C.S.S.	7,623	29.3	28.3
2. Payment agreement not signed	2,904	11.2	10.9
3. Lawyer can be retained privately	6,306	24.3	24.8
4. Summary proceedings (Sec.13(a))	3,207	12.3	14.5

Reason	9 months to December 31, 1977		8 months to December 31, 1976
	No.	%	%
5. Applications withdrawn	1,746	6.7	7.0
6. Lawyer's fees would likely cancel any benefit	107	.4	.2
7. No personal benefit from case	149	.6	.4
8. No reasonable grounds of appeal	341	1.3	1.3
9. Other	3,614	13.9	12.6
	25,997	100.0	100.0

Write-Offs

George E. Wallace, Vice-Chairman, approved the write-off of the following total of amounts due to the Legal Aid Fund: $10,636.23.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	Jan. 1978	*10 Months to Jan. 31/78*	*10 Months to Jan. 31/76*
Reviews on hand	143		
Reviews received in	127	991	1219
	270		
Settlements reviewed	21	1065	933
Settlements awaiting review	232		
Settlements awaiting further information	17		
	270		

Appeals

	November	*December*	*January*
Appeals to Taxing Master received during	–	–	1
Appeals heard by Taxing Master	–	2	1
Appeals pending at the end of the month	4	1	1
Appeals abandoned	–	1	–

Activity

	1977/78 Fiscal Year		*1976/77 Fiscal Year*	
	Month of Jan. 1978	*10 Months to Jan. 1978*	*Month of Jan. 1977*	*10 Months to Jan. 1977*
Accounts on hand at beginning	5571	4657	5038	5087
Accounts received	5213	51301	5219	53039
Total Accounts to be processed	10784	55958	10257	58126
Less: Files cancelled	33	409	30	369
Accounts processed	4594	49392	4863	52393
Balance	6157	6157	5364	5364

SPECIAL STANDING COMMITTEE ON LEGAL ACCOUNTS

In September, 1977, Convocation passed a resolution that the Legal Aid Tariff be increased and that the matter be referred to the Special Standing Committee on Legal Aid Accounts and that the necessary amendments to the Regulation be sought.

The said Committee held six full meetings and 28 group (Criminal and Civil) meetings and has now completed its re-drafting of the criminal and civil tariffs.

The report of the Special Standing Committee on Legal Accounts was reviewed in depth by the Legal Aid Committee and the Committee recommended to Convocation the adoption of the Special Standing Committee's report.

A copy of the report marked as *Schedule "A"* was before Convocation. *(See motions, p. 69 – 70 and p. 71 – 2.)*

PART VII OF THE REGULATION
PAYMENT OF COSTS

re: Bongard Leslie & Co. Ltd. v. Kelly

John Marshall, solicitor, Toronto, attended before the Committee to request the payment of costs out of the Fund on behalf of a plaintiff in an action involving the purchase of shares. A brokerage house sued the legally aided client in respect to stock allegedly bought on the defendant's authority. The legally aided defendant denied he authorized the purchase.

The plaintiff, foreseeing difficulty in collecting, offered to discontinue. The defendant through his solicitor refused unless $350.00 costs were paid. The plaintiff proceeded to trial and got judgment including costs taxed at $526.75.

The Committee found difficulty in understanding why the offer of discontinuance was refused and requested the Legal Accounts Officer to look into the matter when the defendant's solicitor submits his legal aid account.

However, the Committee found that there is nothing in the facts from which hardship to the plaintiff can be inferred and, therefore, recommended that costs not be paid out of the Fund.

CLINICAL FUNDING COMMITTEE

A regulation under the Legal Aid Act was approved in 1976, establishing a Clinical Funding Committee consisting of three members. The Clinical Funding Committee makes recommendations to the Director regarding the funding of independent community-based clinical delivery systems. Any recommendation approved by the Director *must* in turn have the approval of Convocation. At the present time, it is not necessary to obtain the approval of the Legal Aid Committee.

On February 6th, 1978, the Clinical Funding Committee submitted a report to the Director recommending to the Director, and subject to the approval of Convocation, funding for various projects.

The Director recommended to Convocation that the report of the Clinical Funding Committee dated February 6th, 1978, be adopted.

The following is a summary of the projects and payments set out in the said Report:

(a) Interim Funding for Start-up Costs and Training Budget, February & March 1978

Applicant	*Amount*
Thunder Bay District Native Legal Counselling Services	$36,838

(b) Supplementary Funding to Clinics for Supplies and Equipment prior to conclusion of current fiscal year

Clinic	*Amount*	*Equipment*
Injured Workers' Consultants	$ 3,000	Copy machine
Queen's Correctional Law Project	453	3 file cabinets
Industrial Accident Victims Group	80	Desk lamps
Hamilton Injured Workers	865	Typewriter
Tenant Hotline	**865**	Typewriter
Riverdale Socio-Legal Services	865	Typewriter
Neighbourhood Legal Services	865	Typewriter
	660	Dictating equipment
Metro Tenants Legal Services	865	Typewriter
Parkdale Community Legal Services	1,500	Gestetner
	865	Typewriter
	856	File shelves
	480	Furniture
Eastend Community Legal Services	865	Typewriter
	660	Dictating equipment
	604	File cabinets
Legal Assistance of Windsor	906	6 file cabinets
	500	2 secretarial desks
	$15,754	

AREA COMMITTEES

Section 4 (1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committee in:

Essex County

Edward A. Perfect, solicitor, Windsor.
George Yates, solicitor, Windsor.

RESIGNATION

Simcoe County

John M. Gammell, solicitor, Midland.

It was moved and seconded that the proposed tariff amendments (Schedule A) be approved.

It was moved, seconded and *carried* that each of the paragraphs of Note F on pages 9, 20 and 21 be amended to remove the element of discretion in respect of the quantum of fees so that the remuneration will be fixed on the bases described in those paragraphs.

It was moved and seconded but withdrawn that the discretion be removed from Note F but that a proviso be added that the Legal Accounts Officer may disallow an increase if the experience of the solicitor in the relevant area of practice is not accurately reflected by the solicitor's seniority at the Bar.

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

....

The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice S. G. M. Grange, The Honourable Mr. Justice S. L. Robins and The Honourable Mr. Justice A. M. Linden, all of the High Court of Justice for Ontario of The Supreme Court of Ontario, Mr. Terence Sheard and Mr. T. M. Porter.

Mr. Justice Linden, a Bencher, recently appointed to the High Court of Justice, will be sworn in on 20th February, 1978.

The Treasurer and Benchers congratulated Mr. Sheard who celebrated his eightieth birthday on 17th February, 1978.

....

CONVOCATION RESUMED AT 2:20 P.M.

....

PRESENT:

The Treasurer and Messrs. Bowlby, Brulé, Carnwath, Carrier, Carter, Carthy, Cass, Finlayson, Furlong, R. J. S. Gray, Ground, Mrs. Legge, Messrs. Lochead, Ogilvie, Outerbridge, Pepper, Pomerant, Rogers, Ruby, Salhany, Seagram, Mesdames Sutherland and Tait, Messrs. Thom, Tobias and White.

. . . .

LEGAL AID COMMITTEE (Continued)

Convocation resumed its consideration of the proposed tariff amendments (Schedule A).

It was moved and seconded but *lost* that Note A on pages 7, 8 and 19 be deleted.

It was moved and seconded but *lost* that Note A on pages 7, 8 and 19 be amended to provide an appeal to the Taxing Officer from a decision of the Legal Accounts Officer with respect to quantum of fees by deleting the words "except in unusual circumstances" from the second line thereof; by changing the word "may" in the first line of subparagraph (a) to the word "shall"; by deleting the words "in his opinion" from the second line of subparagraph (a); by changing the word "may" in the first line of subparagraph (b) to the word "shall"; and by deleting the words "in his opinion" from the second line of subparagraph (b).

It was moved and seconded but *lost* that on pages 8 and 20 Section E be deleted.

It was moved, seconded and *carried* that the fees provided by Schedule 4 on page 22 be increased to $16.00.

It was moved and seconded but *lost* that on page 23, Schedule 7, item (iv), the words "and the solicitor satisfies the Legal Accounts Officer . . ." to the end of that subparagraph be deleted.

It was moved and seconded but *lost* that on page 23, Schedule 7, item (vi), all the words following the word "allowed" be deleted.

It was moved and seconded but *lost* that on page 24, Schedule 7, item (viii), the words following the word "therefor" be deleted.

The motion to approve the proposed tariff amendments (Schedule A) as amended was *carried.*

THE REPORT AS AMENDED WAS ADOPTED

. . . .

DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. G. H. Lochead, Chairman, presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 9th February, 1978.

The following members were present: Messrs. Lochead (Chairman), Bynoe (Vice-Chairman), Carnwath (Vice-Chairman), Carrier, Cass, Cooper, Furlong, Humphrey, Ruby, Willoughby and Zahoruk and Mesdames Legge, Tait and Sutherland.

USE OF PRIOR RECORDS

A Sub-Committee composed of Messrs. Ruby (Chairman), Cooper and Bynoe was appointed by the Policy Section of the Discipline Committee at its December meeting to consider the use of prior records in disciplinary proceedings. The Sub-Committee met on January 18th, 1978 and has now submitted its Report to the Committee. After certain amendments, the Committee recommended adoption of the following procedure:

1. There should be no reference to any prior proceedings except insofar as a prior Complaint has been found to be established and then only in the circumstances set out below.
2. There should be no reference before the Discipline Committee sitting on the hearing of a formal Complaint against a member to any prior Complaint unless and until the Committee has found the Complaint which it is hearing to be established, except: when in the discretion of the Committee the

prior established Complaint is substantially probative of an issue raised in the Complaint before the Committee; when the member has introduced such evidence; or when the member by his own testimony has placed his character in issue.

3. Before the Committee considers penalty the Society shall place before it particulars of any Complaint previously established against the member, who then may present evidence and make submissions concerning such Complaint.

4. Paragraphs 1, 2, and 3 above shall apply mutatis mutandis to the hearing of discipline proceedings before Convocation but no reference to any prior established Complaint should be included in the written recommendation as to penalty.

It was moved in Convocation, seconded and *carried* that paragraph 4 of item 1 be amended to provide that Convocation not receive the Committee's recommendation respecting penalty unless and until Convocation has accepted the Decision of the Discipline Committee and that the Committee's recommendation respecting penalty may include reference to any prior established Complaint against the solicitor.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

COMPENSATION FUND SUMMARY

Mr. J. D. Carnwath, Vice-Chairman, presented the Compensation Fund Summary for the period ended 31st January, 1978.

COMPENSATION FUND

For the Period from 1st July, 1977 to 31st January, 1978

(7 months)

TOTAL RECEIPTS	$ 298,391.58
TOTAL DISBURSEMENTS	$ 47,680.46
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 250,711.12
BALANCE OF FUND at beginning of period	$1,360,674.79
BALANCE OF FUND at end of period	$1,611,385.91

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 31st January 1978	$3,241,211.62
TOTAL PAID to 31st January 1978 from the commencement of the Fund on account of 1,006 claims of 111 former solicitors	$4,078,912.89

THE SUMMARY WAS RECEIVED

. . . .

Re: MARVIN HAROLD MALVERN STONE, Toronto

Mr. Lochead informed Convocation that on 6th February, 1978, the Society had been served by counsel for the solicitor with a Notice of Appeal, sine die.

. . . .

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

Mr. J. J. Carthy, Chairman, presented the Report of the Special Committee on Errors and Omissions Insurance of its meeting on Thursday, 9th February, 1978.

The following members were present: Messrs. Carthy (Chairman), Outerbridge and Mrs. Legge.

COMMITTEE MEETINGS

It was suggested that the Committee meet regularly each month on Committee Day except in the months when there is no regular Convocation and that it meet at other times or only as required.

Noted

THE E. & O. BULLETIN

After discussion with the Treasurer the Chairman instructed the Secretary to issue the first number of an E. & O. Bulletin which will be issued from time to time for the information of practising members of the Society and to notify them of important changes in the law which if disregarded might lead to costly errors and increased claims against the E. & O. Insurance Fund. A copy of the first Bulletin dealing with Bill 77, which amends The Judicature Act and provides for awards of interest before judgment and damages for improper registration of a lis pendens, was before the Committee.

The Committee was asked to ratify the Chairman's instructions and to approve of the continuing publication of the E. & O. Bulletin as needed.

Approved

FINANCIAL STATEMENT AS AT THE END OF 1977

A statement of the E. & O. Insurance Fund to the end of 1977 was before the Committee.

Exhibits "A" and "B" to the statement are appended to this report. *(See p. 77 – 9.)*

Exhibit "A"

Exhibit "A" shows the actual cash position reconciled with the Accounts Department, December 31st, 1977 statement.

Comment: This shows the Gross Revenue, i.e., levy and interest on Deposited Funds.	$3,479,909.99
Also shown are all the actual expenditures during 1977. Included is $35,000.00 for brokerage fees applicable to 1978. The Accounts Department is transferring this item to 1978 accounting.	
The total expenditures are therefore:	$1,157,919.34

Surplus of Revenue over expenditures is therefore: $2,321,990.65

Exhibit "B"

This exhibit incorporates all the data of Exhibit "A" but, in addition, includes all reserves of which we were advised by December 31st, 1977.

The gross revenue is the same as in Exhibit "A": $3,479,909.99

The reserves entered under "Counsel & Adjusters' Fees" and "Fund" added to the expenditures (adjusted for the $35,000.00 Brokerage Fee as in Exhibit "A") are therefore: $3,155,669.34

The indicated Surplus of Revenue over Expenditures and Reserves is, therefore: $324,240.65

It will be appreciated that the Stop Loss Fund Limit to the Society's liability for Claims and Defence Payments is: $2,000,000.00

As at December 31st, 1977, there were a number of opened files on which we had received no Adjusters' reports or Reserves. We have shown a calculation using the Stop Loss Limit as follows:

Gross Revenue	$3,479,909.99
Revised Expenses and Reserves	$3,362,036.49
Indicated Surplus	$117,873.50

CLAIMS MANAGER

Mr. Harry Stinton became the Society's first Claims Manager in December, 1976. He defined and developed the position to meet the Society's unique requirements. Mr. Stinton has indicated that he would like to resign his position but will remain a reasonable period so that a suitable successor can be engaged and become familiar with the job.

The Committee was asked to receive this information and to recommend that the Chairman and the Secretary be authorized to seek a successor to Mr. Stinton for the approval of the Committee and Convocation.

The Committee so recommended.

EXCESS INSURANCE

A memorandum from Mr. Stinton and letters from Mr. Douglas Scott and Mr. Hugh Morland respecting the increasing cost of Excess Insurance were before the Committee.

Noted

PATENT AGENTS

A memorandum from Mr. Stinton and a letter from Mr. Henderson respecting the coverage under the Society's Plan for members who are also patent agents and attorneys were before the Committee.

Stand

Attachments:

Exhibit 'A'

1977 Fund at 31/12/77 (Actual Cash Position)

Revenue		
Annual Premium/Levy		$3,376,125.00
Guaranteed Deposit Interest		103,784.99
	Gross Revenue	$3,479,909.99
Expenses		
Insurance Premium		$ 625,885.00
Brokerage Fee		135,000.00*
Salaries		43,675.65
Administration		36,962.39
Counsel Fees		19,891.27
Adjusters' Fees		94,372.18
Fund (Claim Payments)		87,132.85
Transferred to 1976 Fund		150,000.00
	Total Expenses	$1,192,919.34

Summary

Gross Revenue	$3,479,909.99
Total Expenses	1,192,919.34
Surplus	$2,286,990.65

N.B. *$35,000 of this item covers the 1978 Fees and logically should be debited to 1978 Fund. This revises the figures as follows: –

Revised Total Expenses	$1,157,919.34

Revised Summary

Gross Revenue	$3,479,909.99
Total Expenses	1,157,919.34
Surplus	$2,321,990.65

Exhibit 'B'

1977 Fund at 31/12/77

(Incorporating Reserves for outstanding liabilities)

Revenue

Annual Premium/Levy	$3,376,125.00
Guaranteed Deposit Receipt Interest	103,784.99
Gross Revenue	$3,479,909.99

Expenses & Reserves

Insurance Premium	$ 625,885.00
Brokers' Fees	135,000.00*
Salaries	43,675.65
Administration	36,962.39
Counsel & Adjusters' Fees (Paid & Reserved)	370,513.45
**Fund (Claims Paid & Reserved)	1,828,632.85
Transferred to 1976 Fund	150,000.00
Total Expenses & Reserves	$3,190,669.34

Summary

Gross Revenue	$3,479,909.99
Expenses & Reserves	3,190,669.34
Indicated Surplus at 31/12/77	$ 289,240.65

N.B. *$35,000 of this item covers the 1978 Fees and logically should be debited to the 1978 Fund. This revises the figures as follows: –

Revised Total Expenses & Reserves	$3,155,669.34

Revised Summary

Gross Revenue	$3,479,909.99
Revised Total Expenses	3,155,669.34
Indicated Surplus at 31/12/77	$ 324,240.65

**The Stop Loss limit is $2,000,000.00. If this is Reserved as the maximum potential instead of $1,828,632.85 (Fund) the result is: –

Gross Revenue	$3,479,909.99
Expenses & Reserves	3,362,036.49
Surplus	$ 117,873.50

Revised Summary using the Stop Limit of $2,000,000.00

Gross Revenue	$3,479,909.99
Expenses & Reserves	3,327,036.49
Surplus	$ 152,873.50

THE REPORT WAS ADOPTED

. . . .

MOTION:
THE HONOURABLE LOUIS–PHILIPPE de GRANDPRÉ CALL TO THE BAR

It was moved, seconded and *carried* that The Honourable Louis-Philippe de Grandpré, a former Puisne Judge of the Supreme Court of Canada and a member of the Bar of the Province of Quebec, be called to the Bar and admitted as a solicitor of this Province.

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. P. B. Tobias was prepared to present the Report of the Professional Conduct Committee of its meeting on Thursday, 12th January, 1978. The Report being lengthy, Convocation deemed there was not sufficient time to deal with the entire Report but agreed to consider two items. Mr. Tobias presented the two items as follows:

2. A lawyer recently wrote to the Chairman of the Committee advising that he had reported a potential claim for negligence to the Society's adjusters who requested permission to go through the file involved. The solicitor was concerned that by permitting such an inspection he might be breaching the solicitor/client relationship and asked through the Chairman for the Committee's guidance. The Committee noted that in fact there had been no attack made on the solicitor, that is to say, there had been no letter of demand or action commenced. As a result the Committee was of the opinion that there can be no implied waiver of the solicitor/client privilege and therefore the file should not be opened for inspection. The Society's adjusters had obtained an opinion from counsel to the effect that the opening of the client's file would not be considered improper. The Committee was prepared to consider any authority that the adjusters' counsel may care to produce to support his position.

It was moved in Convocation, seconded and *carried* that item 2 be deleted and that the solicitor be referred to the Society's directives on this subject.

5. In April of 1973 a member of the profession commenced practising law in a city in Ontario. Since that time Bell Canada has either erred in or totally omitted his business listing in their yearly telephone directory. The lawyer as a result found it necessary to take the matter up with the legal department at Bell Canada. The telephone company offered settlement in the amount of a monthly write-off of $75 against his monthly equipment charges of $136 effective during the entire period that his name is not to be found in the directory. In addition Bell Canada offered to pay for a notice-type advertisement in a local newspaper, once a month, during the approximately one year that the problem will continue. This notice will be headed "ANNOUNCEMENT" and will read as follows:

> "Due to an error on the part of Bell Canada, the following listing was omitted from the white pages of the Sarnia-Petrolia directory, September, 1977:
>
> (here will appear the lawyer's name and address)
>
> Bell Canada advises that Mr. X continues to carry on business at the above address and apologizes to Mr. X for any confusion and

embarrassment such omission has or may have caused him."

In light of the peculiar circumstances in which the solicitor has found himself the Committee recommended that the publication of the notice be approved on a bi-monthly basis as requested by the solicitor.

Item 5 was *adopted.*

Mr. Tobias and Mr. Outerbridge took no part in the discussion.

THE BALANCE OF THE REPORT STANDS

....

Mr. P. Tobias was prepared to present the Report of the Professional Conduct Committee of its meeting on Thursday, 9th Februay, 1978.

Stand to the March Convocation.

....

DISCIPLINE COMMITTEE (Continued)

COMPENSATION FUND REPORT – EMIL T. LENKO

Mr. J. A. Brulé was prepared to present the Report of the Discipline Committee of its meeting on Tuesday, 10th January, 1978, to consider the final report of the referee with respect to the remaining claims against the Compensation Fund in connection with the practice of Emil T. Lenko of Hamilton, a disbarred lawyer.

Stand to the March Convocation.

....

LEGAL EDUCATION COMMITTEE–Mr. Finlayson

Mr. G. D. Finlayson, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 9th

February, 1978.

The following members were present: Mr. G. D. Finlayson, Chairman, Messrs. Carthy, Gray, Outerbridge, Rogers, Thom, Salhany and Ruby, and Mrs. R.M. Tait.

BAR ADMISSION COURSE – PROFESSIONAL CONDUCT AND SOLICITORS' NEGLIGENCE COURSE AND EXAMINATION

On January 20th, 1978 Convocation confirmed the report of the Legal Education Committee resolving that the Director should study and report respecting alternative programmes on professional conduct and solicitors' negligence by way of:

(a) A course and examination in the teaching term of the Bar Admission Course commencing in the 20th Bar Admission Course, and

(b) A programme for articling students during the articling term.

The report of the Director was before the Committee.

The Committee recommended approval in principle of the plan proposed by the Director under item (b) outlining a programme for articling students during the articling term.

The following is the relevant portion of the Director's report:

"In this report I will deal firstly with item (b) of the above resolution. I propose the following programme on professional conduct and solicitors' negligence for articling students during the articling term of the Bar Admission Course. Upon becoming a student member of the Society each student shall be furnished with a copy of the new code of professional conduct and of Bar Admission Course materials on professional negligence and of such related materials as the Director may from time to time determine.

While serving under articles the student shall be required to study and assimilate those materials and to become thoroughly conversant with the rules of professional conduct in consultation with his or her principal and by observation in the areas of legal practice in which the student is engaged. The student will be also required to learn the material on professional negligence and will be expected to discuss with his or her principal the safeguards which the careful legal practitioner should employ to avoid the pitfalls which befall the unwary.

During the month of June next preceding the commencement of the teaching term of the Bar Admission Course into which the student is entering the student shall write a written examination on professional conduct and solicitors' negligence.

A successful candidate on this examination shall be given a pass standing and an unsuccessful candidate shall be given a failure standing.

A candidate who fails the said examination shall be required to sit a further examination in professional conduct and solicitors' negligence which examination shall be in the form of an oral examination conducted by not less than two members of the bar appointed for that purpose by the Chairman of the Legal Education Committee. Such oral examination shall be held during the last two weeks of August preceding the commencement of the teaching term of the Bar Admission Course or at such other time as the Legal Education Committee may determine. The examiners on such oral examination shall award the candidate either a pass standing or a failure standing.

A student member of the Society who fails any such oral examination shall not be called to the bar unless or until such student member has passed successfully an examination on professional conduct and solicitors' negligence which examination may be either a written examination or an oral examination or part written and part oral as may be determined by the Legal Education Committee and such further examination shall be held at such time and place as the Committee shall direct.

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I have one further comment by way of corollary to the above report and that comment concerns the cost of publication of the new code of professional conduct. I am informed that this cost will be high and will be at least in the area of $15.00 per volume. If this book was handed out as part of the materials in the teaching term it would have to be included in the Bar Admission Course budget and dealt with as all other material costs are handled. If however this volume is to be given to students when they enter the articling term on becoming student members of the Society I would suggest that some consideration be given to an adjustment in the admission fee of $101.00 payable by each candidate upon becoming a student member of the Society. This fee is the first item in the tariff of fees set out in Rule 50 and it occurs to me that in the circumstances indicated it might be preferable to increase that fee to cover the increased costs rather than to increase the tuition fee for the teaching term to cover the same costs."

BAR ADMISSION COURSE – PROPOSED STUDENT LOAN PROGRAMME

The Chairman received a proposal from one of the members of the Committee that the Law Society should institute a loan programme under which the Society would make low interest loans to student members in the Bar Admission Course. This proposal was before the Committee for consideration.

The Committee recommended that a sub-committee composed of Messrs. Ruby (Chairman), Outerbridge, and Mrs. E. Rachael Knox be appointed to study and report on a loan programme for student members in the teaching term of the Bar Admission Course.

BAR ADMISSION COURSE – ACADEMIC QUALIFICATION FOR ADMISSION

Under Regulation 26(5) the academic qualification for admission to the Bar Admission Course as a student-at-law is graduation from a law course in a university in Canada which is approved by Convocation. During the past months a number of situations have come to the attention of the Director's office which appear to provide a means of gaining an LL.B. degree from an approved Canadian law school without completing the three year undergraduate programme established under the 1957 Regulations of the Law Society for approved courses. The situations which have arisen include:

(a) An LL B. degree being granted at Ottawa University as a result of a one year course in common law after the conclusion of the three year civil law programme and the granting of a degree in civil law;

(b) A one year programme in common law leading to an LL.B. degree being offered by Dalhousie Law School, the entrance qualification for which is a civil law degree;

(c) A proposed programme at McGill University Law School whereby a member of the Quebec bar with a civil law degree may take a one year common law course and receive an LL.B. degree.

None of the foregoing appears to fall within the framework of the combined four year common law, civil law programme which has heretofore been recognized at McGill University Law School. The Director requires direction as to whether an LL.B. degree obtained in the circumstances set out in (a), (b) or (c) above constitutes academic qualification for admission to the Bar Admission Course within the meaning of the said regulation.

The Committee recommended that the Society write to each of the named law schools requesting information respecting any courses offered to civil law graduates leading to an LL.B. degree and asking for particulars of the curriculum and admission requirements, this matter to otherwise *stand* pending further information.

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 6th, 1977:

(a) *Estate Planning:*

To continue as Head of Section, D.G. Fuller, Esq.

Group Instructors (Osgoode Hall): W. P. G. Allen, H. J. Alpert, W. G. Beach, (Mrs.) Nancy Chaplick, (Miss) Mary Lou Dickson, L. G. Dollinger, R. D. Finlayson, C. T. Fletcher, L. R. Hepburn, Milan Herceg, R. E. Jarman, P. E. Lockie, (Miss) Barbara McGregor, Melville O'Donohue, T. W. Powers, M. J. Rochwerg, (Miss) H. Lenore Roszell, K. L. Saltzman, P. U. Schmidt, P. B. Shone, Sol Spiro, J. M. Stewart, T. A. Sweeney, Stanley Taube, W. M. Traub, M. J. White.

Group Instructors (Ottawa): A. E. Clark, Colombe Daigneault, Paul Davidson, R. L. Doering, S. W. Goldstein, Marcy Landry, P. T. McEnery, J. M. McFarlane, (Miss) Elizabeth Slasor.

Group Instructors (London): E. L. Elwood, (Miss) Linda D. Fowler, J. G. Kerr, M. M. Pellarin.

Stand-by Instructors (Osgoode Hall): Edward Burstein, G. L. Hill.

Stand-By Instructors (London): E. R. Brown, K. G. Stoner.

(b) *Administration of Estates:*

To continue as Head of Section, J. A. Brulé, Esq.

Group Instructors (Osgoode Hall): H. J. Alpert, Edward Burstein, (Miss) Nancy Chaplick, D. F. Curtis, L. G. Dollinger, R. D. Finlayson, M. M. K. Fitzpatrick, C. T. Fletcher, (Miss) Susan E. Greer, G. L. Hill, R. E. Jarman, P. E. Lockie, (Miss) Barbara McGregor, Melville O'Donohue, S. A. Parker, T. W. Powers, P. J. Roche, (Miss) H. Lenore Roszell, K. L. Saltzman, P. U. Schmidt, B. A. Schnurr, P. B. Shone, J. M. Stewart, Stanley Taube, W. M. Traub, R. G. Ulster, M. J. White.

Group Instructors (Ottawa): Marc Landry, P. T. McEnery, H. T. McGovern, R. C. McLaughlin, S. M. Schmelzer, (Miss) Elizabeth Slasor, J. W. Thomas, David Thompson, A. R. Winship.

Group Instructors (London): D. G. Evans, C. B. Kirk, R. I. Morrison, H. D. Porter.

Stand-By Instructors (London): G. K. McClure, A. C. Wright.

Approved

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered and approved a petition to defer entering the teaching portion of the Bar Admission Course; considered a petition for exemption from the five year requirement for completion of the Bar Admission Course and also exemption from the articling term of the Course and recommended that exemption from the five year term be granted but exemption from the articling term be denied; considered financial statements for the Bar Admission Course and Continuing Education; and reviewed a summary of Continuing Education programmes presented in January 1978 and the Continuing Education publications report for January 1978.

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pallett

Mr. J. A. Brulé, Vice-Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 9th February, 1978.

The following members were present: Messrs. Pallett (Chairman), Fennell, Ground, Ogilvie and Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

William Grafton Cochrane, Q.C. Goderich	Called – 19 June 1941 Appointed Provincial Judge, Criminal Division, County of Huron – 12 December 1977
John MacKenzie Gammell Midland	Called – 26 June 1958 Appointed Provincial Judge, Family Division, County of Grey – 14 December 1977

Deaths

The following members have died:

William Emerson Dyer, Q.C. London (Life Member)	Called – 17 January 1924 Deceased – 23 August 1977
George William James Gorell, Q.C. Morrisburg	Called – 17 June 1948 Deceased – 21 January 1978
Gordon Harris Bates Lakefield	Called – 21 June 1945 Deceased – 10 January 1978
Robert Lloyd Seaman, Q.C. Thunder Bay (Life Member)	Called – 19 May 1921 Deceased – 18 January 1978
Robert Emmet Curran, Q.C. Ottawa	Called – 19 April 1956 Deceased – 30 January 1978

Disbarments

The following former members have been disbarred and struck off the Rolls and their names have been removed from the Rolls and records of the Society:

Marvin Harold Malvern Stone Toronto	Called – 22 June 1960 Disbarred – Convocation 19 January 1972
Joel Ronald Smith Toronto	Called – 22 March 1962 Disbarred – Convocation 19 January 1978
Samuel John Grant Toronto	Called – 25 March 1966 Disbarred – Convocation 19 January 1978

Noted

MEMBERSHIP RESTORED

His Honour Judge *Francis Xavier Fay* gave notice under Section 31 of The Law Society Act that he had resigned as a Provincial Judge for the Province of Ontario and wished to be restored to the Rolls of the Society as a barrister and solicitor. Accordingly, his membership will be restored effective 6 February, 1978.

His Honour Judge *Bruce John Stewart Macdonald* gave notice under Section 31 of The Law Society Act that he had retired as a County Court Judge, County of Essex, effective 2 December, 1977, and wished to be restored to the Rolls of the Society as a barrister and solicitor. Accordingly, his membership will be restored effective 1 February, 1978.

Noted

MEMBERSHIP UNDER RULE 50 – INCAPACITATED MEMBERS

Wallace Manning Fram received approval on 20 January 1978 to continue his membership at the reduced fee due to disability. Mr. Fram wished to revert to full membership and paid his 1977/78 fees in full. The Committee was asked to permit him to withdraw his previous application.

Approved

Miss *Elaine Knight* of Cornwall has requested consideration of her application under the new provision of

Rule 50, which allows disabled members to continue their membership in the Society at a reduced annual fee of $25.

Approved

MEMBERSHIP UNDER RULE 50 – RETIRED MEMBERS

George Alfred Ault, Q.C.,of Ottawa, who is sixty-five years of age and over and who is fully retired from the practice of law and other employment, requested permission to continue his membership in the Society at a reduced annual fee of $25.

Approved

The following members have requested that they be permitted to continue their membership under Rule 50 – Retired Members, but have not yet filed the required forms. The Committee was asked to approve their requests subject to the receipt of satisfactory declarations respecting their retirement.

Francis John Lewis Evans, Q.C. – Hamilton
William Lyle Moore, Q.C. – London
Charles Peter Glover – Toronto

Approved, subject to their filing satisfactory declarations.

REFUND OF ANNUAL FEES

G. Brian Clements was appointed to the Bench on 23rd December, 1977. Prior to that, annual fees in the amount of $245 had been paid on his behalf by the firm of which he was a partner. The firm has applied to the Society for a refund of the fees paid.

Approved. Cheque to be made payable to both the member and his firm.

Robert Emmett Curran, Q.C., died on 30th January, 1978. Prior to that, annual fees in the amount of $245 had been paid on his behalf by the firm of which he was a member. The firm has applied to the Society for a refund of the fees paid.

Approved. Cheque to be made payable to both the Estate and the firm.

CHANGE OF NAME

Jennifer Louise Hewchuk, a student member, requested that her name be changed on the Rolls of the Society to Jennifer Louise *Garvie Hewchuk,* thus including her maiden name.

Elizabeth Patrick Gruber, a student member, requested that her name be changed on the Rolls of the Society to Elizabeth Patrick *Scott,* her maiden name.

Approved, subject to production of birth certificates in both cases.

Juraj Vesely, a student member, requested that his name be changed on the Rolls of the Society to Juraj *George* Vesely. His petition and a copy of the Order of His Honour Judge Waisberg dated the 30th day of May, 1977 were before the Committee.

Approved

AUDITOR'S ACCOUNT

Clarkson, Gordon & Company, the Society's auditors, submitted a letter detailing the scope of the Annual Audit. Copies of this letter were before the Committee.

The Committee was asked to confirm that the letter is in accordance with their understanding of the basis on which the auditors are engaged. The Committee's attention was drawn particularly to the limitations of the audit as they may affect any irregularities or fraud.

Approved

COUNSEL'S ACCOUNTS

The following accounts have been received in connection with motions for judicial review in the case of *Joel S.-Z. Wagman:*

H. Lorne Morphy, Q.C.	– $6,835.90
John Sopinka of Stikeman, Elliott, Robarts & Bowman	– $2,566.84

The Committee recommended that these accounts be approved for payment.

ONTARIO RETAIL SALES TAX

Following the audit by the Ontario Sales Tax Branch, the department intends to issue an assessment for unpaid sales taxes of $8,155.60 plus interest of $907.34. This assessment is for sales tax on purchases and items printed in-house which the department considers taxable.

On receipt of the assessment, it is intended to lodge an objection.

Noted

DISCIPLINE COMMITTEE

The Committee had before it an up-to-date schedule giving amounts outstanding in respect of orders as to costs made by Convocation against members who have been subject to Discipline Committee hearings.

Noted

LIBRARIES AND REPORTING COMMITTEE

At its November 1977 meeting, the Libraries and Reporting Committee approved the Canada Law Book tender for printing Ontario Reports for the calendar year 1978. The Finance Committee at its January 1978 meeting noted that the approved Budget of the Libraries and Reporting Committee for 1977/78 included an amount sufficient to cover the January to June portion of this cost.

Although the July to December portion of the tender falls in the 1978/79 fiscal year of the Society, the Libraries and Reporting Committee wished the Finance Committee to approve acceptance of the tender for the whole year 1978.

Approved as to the current half year.

THE WOMEN'S COMMITTEE OF THE SIR WILLIAM CAMPBELL FOUNDATION

The above named Committee has requested permission to use Osgoode Hall for a fund raising event to help furnish Campbell House. The event would be similar to one held five years ago. The current request is for the use of the lawn, Convocation Hall and Lawyers' Lounge for a reception, supper, fashion show and dancing, with an expected attendance of 500 couples. The dates they are considering are Thursday, 14th September, or Friday, 15th September, 1978.

This request was before the Committee.

Approved

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 9th February, 1978.

The following members were present: Messrs. Seagram (Chairman), Rogers, Salhany, Mrs. Tait, Messrs. Wallace, and Willoughby and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The following donations to the Great Library have been received:

The Librarian, Mrs. Pearl Whitfield McIntyre Mines Limited P.O. Box 51 Commerce Court West Toronto	56 Statutes; 4 Regulations; 57 Reports; 28 Digests and 17 Texts.
Osler, Hoskin & Harcourt Barristers and Solicitors Toronto	15 Statutes; 8 Debates; 22 Reports and loose parts of periodicals.
Donald R. Walkinshaw, Q.C. Toronto	57 Statutes and 3 Regulations.

The donors have been suitably thanked.

Noted

CANADIAN ASSOCIATION OF LAW LIBRARIES – ANNUAL CONVENTION

The Committee recommended that the request of the Chief Librarian that she and two assistant librarians be given permission to attend the Annual Convention of the Canadian Association of Law Libraries, which takes place in Ottawa, Ontario May 23 – May 26, 1978 be approved, including payment of expenses.

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY LAW LIBRARIES

COUNTY LAW LIBRARY INSPECTION MIDDLESEX COUNTY

The Chief Librarian reported that she had visited the Middlesex County Law Library on January 16, 1978. A meeting took place with the executive of this association to review various procedures and the association's financial requirements from The Law Foundation of Ontario grant.

Noted

BLANKET FIRE INSURANCE POLICY

The Secretary reported that the matter of a blanket fire insurance policy for all County and District Law Library books had been referred to the insurance advisers of the Society. The Chief Librarian was requested to submit a list of all fire insurance premiums paid by the County and District Law Libraries as shown in the May, 1977 summary of annual returns.

Noted

SUB–COMMITTEE ON COUNTY LAW LIBRARY GRANTS

The Secretary reported that there was a meeting of the Trustees of The Law Foundation of Ontario on Wednesday, February 8, 1978 at 4:00 p.m. at which time the Treasurer, the Chairman and Vice-Chairman of the Committee and the Chairman of the Sub-Committee on County Law Library Grants made a submission of the Law Society's needs for $150,400 for texts and bindings in 1978.

Noted

REPORTING

COPYRIGHT

The Secretary reported that he had received a letter from Henry Joseph Knowles, a solicitor, asking for the Society's consent to the quoting of headnotes from the Ontario Reports in a casebook which he has written covering the subject of partnership law.

The Committee recommended that permission be granted providing the Society obtains an appropriate acknowledgment in the published text and provided that the Secretary receives the necessary written consents of the law book publishers.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. J. G. M. White, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 9th February, 1978.

The following members were present: Messrs. White (Chairman), Cass, Furlong, Mrs. Legge, Messrs. Pomerant, Seagram and Tobias.

1. The Committee considered a complaint concerning trust companies soliciting the drafting of new wills and making

changes in existing wills. The Secretary was instructed to refer to the agreement between the Law Society and the Trust Companies Association, and the Chairman of the Committee agreed to write to the President of the Trust Companies Association and bring this matter to his attention.

2. The Committee considered a letter from the Director, Companies Services Branch, Ministry of Consumer and Commercial Relations, which indicated that an individual and associates was submitting Articles of Incorporation for a company. The Secretary was instructed to write to the Director, Companies Services Branch, and obtain a copy of the Articles of Incorporation and request information as to how many other applications for incorporation have been filed by this group.

3. The Committee considered some correspondence regarding articles which appeared in the Ottawa Citizen written by a journalist who appeared to be giving legal advice. The Secretary was instructed to refer this matter to counsel for an opinion as to whether the two newspaper columns constituted a breach of Section 50 of The Law Society Act.

4. The Committee considered two letters from counsel for the Law Society recommending prosecution of individuals for unauthorized practice and authorized the prosecutions to be commenced.

THE REPORT WAS RECEIVED

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PUBLIC RELATIONS COMMITTEE–Mr. Wallace

Mr. P. B. Tobias presented the report of the Public Relations Committee of its meeting on Thursday, 9th February, 1978.

The following members were present: Messrs. Wallace (Chairman), Willoughby, Tobias, Mrs. Tait and Mr. Outerbridge.

CANADIAN BAR ASSOCIATION – THE NATIONAL

The following item appeared on the October agenda of this Committee and was permitted to stand:

> "At the request of the Chairman there will be a discussion of the contents of a letter received by the Treasurer and referred to this Committee, involving a request by Mr. Gage of the Canadian Bar Association in respect to their request for a monthly column in their publication, The National."

The Committee did not recommend that a monthly column be undertaken but that arrangements be made from time to time to have included in The National matters which occur in Ontario in respect of the Society which would be of National interest, for example, the renovations to Osgoode Hall, the rebuilding of the fence, the Great Library, the Society's collection of portraiture and of memorabilia.

MR. H. ASHTON WINTER

At the suggestion of the Treasurer, correspondence was before the Committee originating with a letter of December 22nd, 1977, written by Mr. H. Ashton Winter to Miss Morham of F. C. Maltman & Co. Ltd. in which he suggests that "a small flyer similar to the Communiqué that would cover various areas of the practice of law" be sent to the profession at regular intervals.

This matter will be looked after by the Errors and Omissions Insurance Committee and the Secretary will correspond with Mr. Winter.

INFORMATION FOR THE MEDIA

Two publications were before the Committee – one produced by The Law Society of England and the other by the Nova Scotia Barristers' Society. The former is intended to supply general background information which would be of particular assistance to television and radio companies and newspapers. The latter is a list of the persons in responsible positions in a variety of organizations in and close to the law. The Committee was asked to consider whether the Society should publish material of a similar nature.

The Committee recommended that the Secretary enquire of the English Law Society what success was met with by their publication to the media. The Committee also recommended that the Communiqué be supplied to all Ontario newspapers.

PAMPHLETS

10,000 copies of each of the four pamphlets approved by the Committee have been printed and are ready for distribution. There are 4,662 practising units in the profession, that is to say, law firms or solo practices. If distribution were to be made to those units, two sets or eight pamphlets could be sent to each unit to be placed in the waiting room leaving approximately 2,700 for distribution elsewhere. The Committee was asked for its instructions.

The Committee recommended that three sets be sent to each County and District Law Association, one set be supplied to each Bencher, one set to each member of the Council of the Canadian Bar Association, one set to each University Law Library and that they be asked to suggest what further distribution would be desirable.

It was moved in Convocation, seconded and *carried* that three pamphlets, excluding the fourth one on Wills, be distributed.

It was moved, seconded and *carried* that the three pamphlets be distributed to places where they will be seen by the public generally.

A copy of a letter written by Mr. W. H. Kidd to Mr. Peter Tobias was before the Committee concerning a pamphlet which is being produced by the Canadian Bar Association with the assistance of the Society's graphic designer.

COUNTY AND DISTRICT LAW ASSOCIATION – TREASURERS' RECEPTION

The Committee considered arranging with the Treasurer to speak to various County and District Associations, perhaps on the night the local Bar entertains the Circuit Judge when the Society might tender the reception preceding dinner. The Chairman will explore the matter with the Treasurer.

THE REPORT AS AMENDED WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. P. G. Furlong, Chairman, was prepared to present the Report of the Legislation and Rules Committee of its meeting on Friday, 17th February, 1978.

Stand to the March Convocation.

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 9th February, 1978.

The following members were present: Messrs. Cass, Willoughby and Mrs. Legge.

APPLICATIONS

The Committee had before it two applications for grants. The Chairman had already authorized payment of grants to the applicants and the Committee was asked to ratify his action. In one case the Committee was asked to consider whether a further grant should be made. The Committee recommended ratification of the Chairman's action and payment of a further grant to one applicant.

STUDENT APPLICATIONS

The Committee considered applications for grants from 18 students in the Bar Admission Course together with a memorandum prepared by the Assistant Director of the Bar Admission Course recommending that three grants be made. The Committee recommended that the Assistant Director's recommendation be adopted and that three grants be made.

Following the Committee's January meeting an application for a grant was received from a student. The Assistant Director of the Bar Admission Course recommended that the grant be made and because there was some urgency, the Chairman authorized payment of a grant. The Committee was asked to ratify the Chairman's action. The Committee recommended that the Chairman's action be ratified.

THE REPORT WAS ADOPTED

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MINUTES

The Minutes of Convocation of 20th January, 1978 were read and confirmed.

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CONVOCATION ROSE AT 5:20 P.M.

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Read in Convocation and confirmed 17th March, 1978.

W. GIBSON GRAY

Treasurer

THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 3

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 17th March, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. W. Gibson Gray) and Messrs. Bowlby, Brulé, Carnwath, Carthy, Cass, Chadwick, Farquharson, Fennell, Finlayson, Furlong, R. J. S. Gray, Ground, Mrs. Legge, Messrs. Ogilvie, Orkin (after his election), Outerbridge, Pallett, Pepper, Pomerant, Rogers, Ruby, Seagram, Shibley, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace and Willoughby.

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MINUTES

The Minutes of Convocation of 17th February, 1978 were read and confirmed.

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ELECTION OF BENCHER

A vacancy was caused in Convocation by Allen M. Linden assuming judicial office as a Judge of the High Court of Justice of The Supreme Court of Ontario on 20th February, 1978. Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22 (2) of The Law Society Act.

It was moved, seconded and *carried* that Mr. Mark M. Orkin of Toronto be elected a Bencher to fill the vacancy in Convocation.

Mr. Orkin entered Convocation and was welcomed to the Bench by the Treasurer.

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ADMISSIONS COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 9th March, 1978.

The following members were present: Mrs. L. L. Legge, Vice-Chairman in the Chair, Messrs. Cass, Ground, White, and Mrs. Sutherland.

OCCASIONAL APPEARANCE

Richard Trimble Willis, of the Province of Manitoba, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" in the case of *Margaret Jean Westover v. Warren Cameron Plummer.* Mr. Willis complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the March Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special

By Resolution of Convocation, 17th February, 1978, former Judge of the Supreme Court of Canada:

The Honourable Louis-Philippe de Grandpré, C.C., Q.C.

The following candidates, having filed the necessary papers, paid the required fee of $200 and complied with the requirements of the Admissions Committee in their particular cases are entitled to be called to the Bar and to be granted Certificates of Fitness:

Emil Joseph Hayek	Special – University of Ottawa
Robert Ivan Martin	Special – University of Western Ontario

Approved

Occasional Appearances

At its meeting on 9th March, 1978, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a solicitor:

Richard Trimble Willis	Province of Manitoba

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 14 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1977.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee considered and approved five applications to transfer to practise in Ontario from members of the Quebec Bar, who sought permission to proceed under Regulation 4 (2).

LETTER REGARDING BRANCH OFFICE IN ONTARIO

A letter from Mr. Raymond Lette, a lawyer in Quebec Province was before the Committee.

Noted

ADMISSION TO THE BAR ADMISSION COURSE

An applicant has written to the Society to ask whether his criminal record would prevent him being admitted to the Bar Admission Course and later being admitted to the practice of law. He was convicted of theft under the S.I. Theft Act 1968 at Bow Street Magistrates' Court, London, England on 31st October 1975. He was fined 20,000 pounds sterling to be paid within 7 days. A letter from the adjudicating Magistrate, B. Canham, Esq., was before the Committee.

The Committee recommended that the applicant be given an opportunity to appear before the Committee to discuss the matter.

REPORT OF THE SUB–COMMITTEE TO CONSIDER REGULATION 4

This report was before the February meeting of the Committee and it was recommended that it stand to the March meeting.

Stand to April

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Louis-Philippe de Grandpré
Emil Joseph Hayek
Robert Ivan Martin
Richard Trimble Willis

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ADMISSIONS COMMITTEE (Continued)

Mr. Pepper presented the Report of the Admissions Committee of its meeting on Wednesday, 1st March, 1978, with respect to the application of a former member to be readmitted to membership in the Society.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, Messrs. R. W. Cass and R. J. S. Gray, and Mrs. R. Sutherland.

The applicant attended with counsel.

The applicant had been disbarred in 1970 for professional misconduct involving fraud and had applied in 1975 to be readmitted as a member of the Society. The Committee which considered that application recommended that it be denied and Convocation adopted that recommendation.

Counsel for the applicant presented a letter from the applicant's present employer supporting the application and stating that discussions were proceeding between the employer and the applicant with respect to a further extension of the applicant's employment. Counsel submitted that his client's continued employment would be facilitated by readmission to membership in the Society; that although his client did not ask for a limited reinstatement, it was not his client's intention to change the nature of his employment; and that his client required the income from his present employment. Counsel's main submission was that his client had paid his debt to society and that it was now time for the governing body of the profession to permit the applicant to resume his place among the members of the Society.

The Committee accepted that the applicant has maintained a responsible position but was not persuaded that the onus which rested upon the applicant in presenting his application for readmission had been discharged and accordingly recommended that the application for readmission to membership in the Society be denied.

The applicant attended in Convocation with his counsel.

The reporter was sworn.

Messrs. Cass and Pepper and Mesdames Legge and Sutherland voluntarily withdrew. These Benchers with Mr. R. J. Gray comprised the Admissions Committee that presided when the application was heard. Mr. Gray did not enter Convocation until after the matter was dealt with.

Counsel made submissions on behalf of the applicant.

The applicant, counsel and the reporter retired.

THE REPORT WAS UNANIMOUSLY ADOPTED

....

Mrs. L. L. Legge, Vice-Chairman, presented the Report of the Admissions Committee of its meeting on Wednesday, 1st March, 1978, with respect to the application of *Robert Charles Hays* to be relieved of his undertaking that he would make no application to the Society at any time to have his name restored to the Rolls and Records of the Society.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, Mr. R. W. Cass and Mrs. R. Sutherland.

The applicant attended with counsel, Mr. Charles Mark, Q.C.

The applicant was called to the Bar and admitted as a solicitor on 8th April, 1960. Following Discipline Committee proceedings in 1968, the applicant tendered to Convocation a request that his name be removed from the Rolls and Records of the Society upon his undertaking that he would make no application to the Society at any time to have his name restored to the Rolls and Records of the Society. Convocation granted his request and accepted his undertaking and on 22nd June, 1968, he was permitted to resign his membership in the Society.

Counsel made submissions respecting the undertaking his client had given and asked that the Committee recommend that Convocation relieve his client of this undertaking so that his application to be readmitted could be considered.

Counsel adduced evidence from the applicant and others in support of his application for such relief.

The Committee found it was unable to recommend that Convocation relieve the applicant of his undertaking.

The applicant attended in Convocation with his counsel.

The reporter was sworn.

Counsel made submissions on behalf of the applicant.

The applicant, counsel and the reporter retired.

It was moved, seconded and *carried* that Convocation relieve the applicant of his undertaking not to apply to be readmitted to membership in the Society.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

DISCIPLINE COMMITTEE–Mr. Lochead

Re: ROBERT EMMET DESORMEAU, Orillia

Mr. J. D. Carnwath, Vice-Chairman, placed the matter before Convocation.

The reporter was sworn.

The solicitor attended with his counsel, Mr. George Clegg. Mr. W. S. Wigle, Q.C. attended for the Society.

On consent of the solicitor, Convocation dispensed with the reading of the Decision of the Discipline Committee dated 6th January, 1978, wherein the solicitor was found guilty of professional misconduct. The Committee found that he had borrowed approximately $60,000 from a client though his attempts to have the client obtain independent legal advice had been unsuccessful, and noted that during a period of stress he sought and is still receiving medical assistance.

Mr. Clegg advised Convocation that he did not dispute the said Decision.

The solicitor, counsel and the reporter retired.

It was moved, seconded and *carried* that the Decision of the Discipline Committee dated 6th January, 1978, wherein the solicitor was found guilty of professional misconduct be accepted subject to the removal therefrom of Particular 2 (d) of the Complaint.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion.

The solicitor was sworn and gave evidence relative to the question of penalty.

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

....

The Treasurer and Benchers had as their guests for luncheon The Honourable Louis-Philippe de Grandpré, C.C., Q.C., former Judge of the Supreme Court of Canada, The Honourable Mr. Justice Horace Krever of The High Court of Justice of The Supreme Court of Ontario, and Mr. Arthur C. Whealy, Q.C., non-Bencher member of the Legal Aid Committee.

. . . .

CONVOCATION RESUMED AT 2:30 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Bowlby, Cass, Chadwick, Farquharson, Finlayson, Furlong, R. J. S. Gray, Ground, Mrs. Legge, Messrs. Ogilvie, Orkin, Pallett, Pomerant, Rogers, Seagram, Shibley, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace and Willoughby.

. . . .

DISCIPLINE COMMITTEE (Continued)

Re: ROBERT EMMET DESORMEAU, Orillia

Convocation resumed consideration of this matter.

The solicitor, counsel and the reporter were present.

Mr. Clegg made submissions on behalf of the solicitor.

The solicitor, counsel and the reporter retired.

It was moved and seconded that the solicitor be reprimanded in Convocation upon his giving his undertaking that he will not resume practice until he has provided evidence satisfactory to the Society that he is medically fit to do so.

It was moved and seconded that the motion be amended by the deletion of the requirement that the solicitor give the undertaking.

The second motion was *withdrawn.*

The first motion was *carried.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion respecting penalty. The solicitor gave his undertaking and waived his right of appeal.

Counsel and the reporter withdrew.

The solicitor was reprimanded by the Treasurer.

. . . .

UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. P. B. Tobias, Vice-Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 9th March, 1978.

The following members were present: Messrs. White (Chairman), Cass, Furlong, Mrs. Legge, Messrs. Pomerant, Seagram, Strauss and Tobias.

1. The Committee considered a complaint from a solicitor whose wife had received a form letter from an individual offering to incorporate a company or to sell an existing charter. The Secretary was instructed to refer this matter to counsel for a prosecution under Section 50 of The Law Society Act.

2. The Secretary submitted Articles of Incorporation which had been drafted by an individual and his associates. After discussion of this matter the Committee recommended that no action be taken.

THE REPORT WAS RECEIVED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. P. B. Tobias presented the Report of the Professional Conduct Committee of its meeting on Thursday, 9th March, 1978.

The following members were present: Messrs. Kellock

(Acting Chairman), Lochead, Pomerant, Strauss, Mrs. Sutherland, Messrs. Tobias and Zahoruk.

1. The Committee considered a number of matters and in each instance issued appropriate instructions.

THE REPORT WAS RECEIVED

……….

Mr. P. B. Tobias presented the Report of the Professional Conduct Committee of its meeting on Thursday, 12th January, 1978, with respect to those items of the Report not previously dealt with by Convocation, namely, items 1, 3, 4 and 6. Items 2 and 5 were dealt with by Convocation on Friday, 17th February, 1978. *(See pp. 79-81.)*

The following members were present: Messrs. Cooper (Chairman), Kellock (Vice-Chairman), Bowlby, Carnwath, Fennell, Pomerant, Strauss, Mrs. Sutherland and Mr. Tobias.

1. The President of a local law association wrote to the Society with respect to a newspaper advertisement that had been brought to his attention by a member of his association. This advertisement dealt with the sale of town houses and stated that there would be no legal fees payable. The President, after seeing the advertisement, made some inquiries and found out that the builder had entered into this fee arrangement after first consulting with his own solicitor. The arrangement was that the builder would pay the legal fees of a lawyer chosen by the purchaser. The President was advised that in only one case this had been the builder's own solicitor. If the purchaser did not have a lawyer, the builder would supply the names of two or three who are familiar with condominium law and invite the purchaser to choose one. The President understood that there had been some discussion with those lawyers about the amount to be charged. He felt that the builder may have had some input although he was not sure. The President was informed that the builder had indicated that he would pay whatever was a reasonable charge for a lawyer having no connection with him or the project whatsoever. The President asked the Committee

whether there was anything wrong in a lawyer taking part in this arrangement. After careful consideration the Committee was of the view that a solicitor should not knowingly participate in such a scheme.

2. See p. 80.

3. RULING 9 – PETER SLAGHT

Mr. Slaght had been permitted to resign on November 23rd,1965 as a result of disciplinary proceedings that had been commenced against him by the Society. He had been found guilty of professional misconduct and conduct unbecoming a barrister and solicitor in that he received funds in trust, converted those funds to his own use and failed to account for the said funds. In 1969, $110.00 was paid out of the Compensation Fund arising out of Mr. Slaght's practice. Mr. William J. Solloway, a member of the profession, has written to the Society indicating his desire to employ Mr. Slaght as a law clerk. Apparently he and Mr. Slaght had been friends for some thirty years. Mr. Solloway holds Mr. Slaght's competence in legal matters in the highest regard and feels very strongly that his continued legal activities and legal appearances should be permitted and in effect encouraged. The Committee recommended that Mr. Solloway not be permitted to employ Mr. Slaght. It is doubtful that Mr. Slaght would have the necessary supervision. There is every appearance to the Committee that, should the arrangement be permitted to continue, Mr. Slaght would in effect be practising law. A memorandum supplied to the Society by Mr. Slaght was before the Committee and Convocation.

4. RULING 16

A member of the profession asked whether a private telephone directory known as the "Yellow Directory" or the "Yellow Page Classified Directory" is appropriate for the carrying of names and phone numbers of law firms and lawyers in the same fashion as the Bell Telephone. Ruling 16.2 reads in part:

> No member shall authorize or permit the insertion in the yellow pages of any telephone directory of more than one standard listing in regular type under the

> heading "Lawyers" for the firm and for each lawyer thereof in the section for each area where the firm maintains an office or branch office.

The Committee was of the opinion that the insertion of lawyers' names and telephone numbers in the publication under consideration appears to be prohibited by this Ruling. The publication is being referred to the Society's Special Committee on Advertising. It was recommended that if Convocation concurs with the Committee's opinion, an appropriate comment be made in the Communiqué.

5. See p. 80 - 81.

6. The following item appeared in the Committee's Report to Convocation for November of 1977 but was stood over at that time:

> "*Mr. Jack Goodchild* was disbarred in 1969. He apparently now is a freelance title searcher. He has sought to share office space with two members of the profession, one of whom has written to apply under the provisions of Ruling 9 for the approval and permission to share office space with Mr. Goodchild. Ruling 9 reads as follows:
>
> **DISBARRED PERSONS**
>
> Employment by solicitors
>
> No member of The Law Society of Upper Canada shall without the express approval of Convocation retain, occupy office space with, use the services of or employ in any capacity having to do with the practice of law any person who in Ontario, or elsewhere, has been disbarred and struck off the Rolls, or has been suspended, or has been involved in disciplinary action and has been permitted to resign as a result thereof, and who has not yet been readmitted.

The Committee referred this matter to Convocation for a decision under the provisions of Ruling 9 with a recommendation that it could see nothing in the material to indicate that an exception could be made."

WITH RESPECT TO ITEMS 1, 3, 4 and 6 –

THE REPORT WAS ADOPTED

. . . .

Mr. Tobias presented the Report of the Professional Conduct Committee of its meeting on Thursday, 9th February, 1978.

The following members were present: Messrs. Cooper (Chairman), Chappell (Vice-Chairman), Carnwath, Carrier, Fennell, Lochead, Outerbridge, Mrs. Sutherland, Messrs. Tobias, Wallace, Willoughby and Zahoruk.

1. The Committee was advised by a lawyer that he wishes to offer a service to his clients with respect to representation for quasi-criminal and criminal offences whereby one fee would be chargeable upon a guilty finding by the court and a greater fee chargeable upon obtaining a happier result. It would be the lawyer's intention to quote a prospective client prior to a court appearance on the basis that if through his efforts a charge was withdrawn or dismissed a set fee would be charged and that a different fee would be charged upon a conviction being registered. The fee would not be graded according to the severity of the sentence.

The Committee was of the opinion that this approach was not proper. When considering the matter it was noted that traditionally a fee charged could be based in part on the results achieved.

2. A lawyer wrote to the Committee advising that he acts as solicitor to a number of embassies in Ottawa and to a number of Consular Divisions in both Montreal and Toronto. He has noted that there are a growing number of enquiries directed to these embassies and consulates by residents of this and other Provinces requesting advice and assistance from these embassies and consulates with regard to the preparation of Wills. Some of these letters which are forwarded on to the lawyer are written in a foreign language. The gist of these letters, the names and addresses and often the telephone numbers of the writers are supplied to the lawyer. Most of these letters are addressed to either the Soviet Embassy or to the Consular Division of the Soviet Embassy and invariably the writer of the letter has next of kin in the U.S.S.R. and wants to make a Will leaving all or part of his or her estate to these relatives. The diplomat who gives the lawyer the letter expects the lawyer to contact the writer of the letter and to assist in the preparation of the Will.

The lawyer contacted the Committee because he is concerned about the propriety, or lack of propriety, in his writing or contacting these individuals by telephone to offer such assistance.

He believes that most of these individuals write to the Embassy or Consulate Division of the country in which their relatives reside because the solicitor acting for these individuals is often of the same ethnic origin and advises his clients that they should either not leave anything to their relatives or that they should have the bequest transferred in the form of parcels or by some other means. The lawyer contends that it is now becoming common knowledge in the ethnic community that relatives in the homelands do in fact receive hard currency left to them in Wills and that their Governments do not in fact steal the money.

The Committee was of the opinion that it would not be proper for this lawyer to advise people referred to him as to the structure of their Wills because, having been retained by the embassies in question, if he were to do so he might have a conflict of interest.

3. "In the Committee's July 1975 Report to Convocation the following item appeared:

> 'Mr. W. D. Crone, Registrar, The Real Estate and Business Brokers Act, has requested a ruling as to whether or not it would be deemed proper for a practising lawyer to be registered as a real estate broker. Apparently he has received several inquiries in this connection from members of the profession over the past few months. Your Committee was of the opinion that it would be improper for a practising lawyer to be registered as a real estate broker, since one cannot professionally sell real estate without dealing with people who would ultimately as vendors and purchasers, require legal services. If such people then became clients of the real estate agent-lawyer, the latter could find him or herself continually involved in situations where there were potential conflicts of interest.'

The Society has now received an enquiry from Miss Penelope Bell a member of the profession concerning her intent to become a real estate agent. Your Committee instructed the Secretary to advise that it was of the opinion that upon receipt of an undertaking from Miss Bell not to practice or to use the term barrister and solicitor and not to communicate in writing that she is a barrister and solicitor it could see nothing objectionable to her practising as a real estate agent."

The Committee had before it a letter from a member of the profession wherein he states that it has always been his understanding that it is a proper function of a practising lawyer to act on behalf of his client in the sale or purchase of real estate and it is proper for such lawyer to charge fees for such activities. The most common examples which come to this member's mind are in the sale of real estate by an estate, the purchase or sale of a business and where acting for a client who is located some distance away. The member goes on to say that he can appreciate that the Committee may think it improper for a practising lawyer to act as a real estate broker but he feels that the reasons given for such a position are wrong since the reasons given arise notwithstanding registration as a real estate broker or agent.

The Committee reviewed the matter and noted that the previous view was with respect to a lawyer being registered as a real estate broker. It was also noted that The Real Estate and Business Brokers Act provides "that registration shall not be required in respect of any trade in real estate by, ... a person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as a part of the solicitor's practice".

The Committee instructed the Secretary to reply to the member of the profession pointing out that its previous position had been with respect to registration only and referring him to the relative section of The Real Estate and Business Brokers Act.

THE REPORT WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. P. G. Furlong, Chairman, presented the Report of the Legislation and Rules Committee of its meetings on Friday, 17th February, 1978, and Thursday, 9th March, 1978.

The Committee met on Friday, 17th February, 1978, the following members being present: Messrs. Furlong (Chairman) and Ogilvie, and Mrs. Legge.

The report of the Committee's meeting went to the February Convocation but was not reached.

A further meeting of the Committee was held on Thursday, 9th March, 1978, the following members being present: Messrs. Furlong (Chairman), Cass and Wilson, and Mrs. Legge. At this meeting certain amendments were made to the aforementioned report.

SPECIAL COMMITTEE ON CONVOCATION AND ELECTION OF BENCHERS

The Report of the Special Committee on Convocation and Election of Benchers which was adopted by Convocation on the 15th of April 1977 included a recommendation that the matter of voting procedure respecting the election of Treasurer be referred to this Committee for the purpose of drafting and incorporating such voting procedure into the rules made under The Law Society Act.

The Committee upon consideration of the matter recommends that the present rule 19 be repealed and the following substituted therefor:

TREASURER

ELECTION

19.–(1) The election of Treasurer shall be the first matter of business at the regular Convocation in May or at such other Convocation as Convocation may fix.

(2) In the year of a quadrennial election of benchers the provisions as to times and dates in these rules set forth shall be read as being one month later.

NOMINATION

19.1–(1) No bencher shall be elected Treasurer until he has been nominated as provided in this rule, and every vote cast for any bencher not so nominated is void.

(2) The nomination shall be in writing and signed by the nominee indicating his assent to be a candidate and by two benchers, and if not so signed is void.

(3) Every nomination for the office of Treasurer shall be delivered at the office of the Secretary or sent by mail to him so as to be received thereat on or before the 15th day of April, and if not so received is void.

(4) Any bencher nominated may withdraw his name if he notifies the Secretary in writing within four days next following the 15th day of April.

ACCLAMATION

19.2 When only one bencher is nominated, he shall be declared elected Treasurer at the regular Convocation in May or June as the case may be.

POLL

19.3–(1) When a poll is necessary the Secretary shall on or before the 25th day of April send to each bencher entitled to vote, at his address as shown on the records of the Society, a ballot indicating thereon the name of each candidate and one or more return envelopes and a memorandum of voting instructions.

(2) The form and content of the ballot, the accompanying envelope or envelopes and the voting instructions shall be such as Convocation considers will best ensure and preserve the anonymity of the voters and the secrecy of their votes.

(3) Each bencher entitled to vote may vote for only one candidate on the first ballot and deliver such ballot or send it by mail to the office of the Secretary so that it will be received thereat not later than the first Friday in the month of May or June as the case may be.

(4) If on the first ballot a candidate receives more than fifty per cent of the votes cast he shall be declared elected Treasurer at the regular Convocation in May or June as the case may be.

(5) If on the first ballot no candidate receives at least fifty per cent of the votes cast, a second ballot containing only the names of the two candidates who obtain the greatest

number of votes on the first ballot shall be sent forthwith as in this rule provided to each bencher entitled to vote.

(6) Each bencher entitled to vote may vote for only one candidate on the second ballot and deliver such ballot or send it by mail to the office of the Secretary so that it will be received thereat at least two days before the regular Convocation in May or June as the case may be.

(7) The candidate receiving the majority of votes cast on a second ballot shall be declared elected Treasurer at the regular Convocation in May or June as the case may be.

(8) Any ballot received at the office of the Secretary after the times provided in this rule shall be void.

(9) Every bencher voting shall enclose his ballot in the envelope or envelopes provided and in accordance with the voting instructions.

(10) Ballots shall be opened by the Secretary in the presence of the retiring Treasurer, or his delegate, who together shall scrutinize and count the votes within two days after the last day for receiving such ballots.

VACANCY IN OFFICE

19.4–(1) When the office of Treasurer becomes vacant the Secretary shall send to each bencher a written notice of the vacancy stating that at the next regular Convocation a Treasurer will be elected.

(2) In the event of the office of Treasurer becoming vacant the benchers present at the first regular Convocation thereafter, shall before proceeding to any other business, elect a bencher to fill the office of Treasurer until the next regular election of Treasurer.

ACTING TREASURER

19.5 If the Treasurer is for any reason unable to perform his duties, the Chairman of the Finance Committee or, if he is for any reason unable to act, the Chairman of the Legal Education Committee shall act as Treasurer until the Treasurer resumes his duties or the office becomes vacant and a new Treasurer is elected.

PRESIDING OFFICER

19.6 The Treasurer shall preside in Convocation, but if he is unable to do so, Convocation shall appoint a presiding officer pro tem.

THE REPORT WAS ADOPTED

. . . .

DISCIPLINE COMMITTEE (Continued)

Re: ANDREW ORYSCHAK, Q.C., Toronto

Mr. Carnwath placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend nor was he represented by counsel. Mr. Miles D. O'Reilly represented the Society.

The affidavit of service of Brian Ross Fraser dated 2nd March, 1978, was filed.

It was moved, seconded and *carried* that the reading of the Decision of the Discipline Committee dated 28th February, 1978, be dispensed with.

The Decision found that the solicitor was guilty of professional misconduct, in that he had misappropriated over $16,000 of clients' funds and borrowed $30,000 from a client without the client having received independent legal advice and he had failed to follow a client's instructions to proceed with the administration of an estate.

Counsel and the reporter withdrew.

It was moved and seconded that the Decision of the Discipline Committee dated 28th February, 1978, wherein the solicitor was found guilty of professional misconduct be accepted.

It was moved, seconded and *lost* that paragraph (e) on page 4 of the Decision be deleted.

It was moved, seconded and *lost* that the matter be adjourned one month and that an investigation be made to determine whether the solicitor had received the Decision and to obtain information respecting his mental condition.

The motion that the Decision be accepted was *carried.*

Counsel and the reporter returned.

Counsel was advised of the motions dealt with by Convocation.

Counsel and the reporter withdrew.

It was moved, seconded and *lost* that in the circumstances of this case the Society retain counsel to represent the solicitor and that the matter be adjourned *sine die.*

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter returned.

Counsel was advised of the motion respecting penalty before Convocation.

Counsel and the reporter withdrew.

The motion to disbar was *carried.*

. . . .

COMPENSATION FUND REPORT – EMIL T. LENKO

Mr. Noel Ogilvie presented the Report of the Discipline Committee of its meeting on Tuesday, 10th January, 1978, to consider the final report of the referee with respect to the remaining claims against the Compensation Fund in connection with the practice of Emil T. Lenko of Hamilton, a disbarred lawyer.

The Discipline Committee met formally on Tuesday, 10th January, 1978, the following members being present: Messrs. Chadwick (Chairman), Ogilvie and Brulé.

The Committee considered the final report of the Referee, The Honourable John Aylesworth, Q.C., on the remaining claims to the Compensation Fund arising out of the practice of Emil T. Lenko of Hamilton, a disbarred lawyer. The Referee's report concerned five claimants, two of whose claims had been held in abeyance pending the outcome of litigation. The Committee agreed with the Referee's recommendations and recommended that the amounts awarded be prorated by 80% as was recommended by the Committee considering the interim report of the Referee.

PRORATED RECOMMENDATIONS

Claimant	*Amount Claimed*	*Amount Recommended*	*Prorated Sum*
BRAITHWAITE, Iva (as originally filed $52,330.00)	57,500.00	46,310.00	37,048.00
BRODNICKI, Frank	12,269.77	nil	nil
DEMASCIO, Florence (as originally filed $2,600,00)	2,640.00	2,640.00	2,112.00
FRITZ, Kenneth	2,520.00	nil	nil
WILLIAMS, Marlene	8,123.15	nil	nil
TOTALS	83,052.92	48,950.00	39,160.00

The Committee in recommending that the claim of Iva Braithwaite be allowed in the prorated amount of $37,048.00 is aware that there has been a discretionary limit of $25,000.00 per claimant which limit would be exceeded if Convocation were to concur with the Committee's recommendation. When the Referee's interim report was considered by the earlier Committee a report was then made to Convocation, which considered the matter on February 11th, 1977. At that time the Referee made two specific recommendations that amounts be awarded which were well in excess of the $25,000.00 discretionary limit. At Convocation the Committee's recommendation that the limit be exceeded in both these cases was accepted.

As well, the Committee at that time recommended that the discretionary limit of $150,000.00 per individual lawyer be exceeded and Convocation accepted this recommendation.

The amount paid out in claims to the Fund arising out of Mr. Lenko's practice to date totals $283,105.99 on thirty-three claims. The total amount which had been claimed was $508,593.80 which included the two claims held in abeyance totalling $54,930.00. The amounts of these two claims were later amended for a total of $60,140.00.

If Convocation concurs with the Committee's recommendation the total amount paid out on the total claims would be $322,265.99 subject of course to the right of the claimants to appeal the Committee's recommended disposition. The total possible amount which could be paid out were all of the five remaining claimants to appeal would be $66,442.34. Therefore the total possible amount which the Society might have to pay out as a result of all the claims would be $349,548.33. The total number of claims to the Fund arising out of Mr. Lenko's practice has been thirty-eight and the amount claimed has been $536,716.72. The Committee took the position that it should follow the practice of the prior Committee by prorating any amounts awarded by 80%.

The Committee and Convocation had before them a copy of the prior report to Convocation dated 23rd December, 1976, which was considered by Convocation on February 11th, 1977.

It was moved, seconded and *lost* that all claims up to $25,000.00 per claimant be paid.

THE REPORT WAS ADOPTED

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Finlayson

Mr. G. D. Finlayson, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 9th March, 1978.

The following members were present: Mr. G. D. Finlayson, Chairman, Mr. J. D. Ground, Vice-Chairman, Messrs. Salhany, Brule, Ruby, Thom, Rogers and Mrs. R. M. Tait.

FACULTY APPOINTMENTS – Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 6th, 1977.

Criminal Procedure:

To continue as Head of Section R. J. Carter, Q.C.

Group Instructors (Osgoode Hall): A. G. Campbell, J. D. Crane, D. H. Doherty, F. X. Fay, A. D. Gold, B. H. Greenspan, E. L. Greenspan, G. P. Johnstone, G. R. Kluwak, G. S. Lapkin, R. D. Manes, Morris Manning, M. J. Moldaver, H. F. Morton, W. J. Parker, M. H. Siegal, J. D. Watt, A. C. Whealy.

Group Instructors (Ottawa); J. C. Barnabe, John Cassells, J. A. Cogan, A. S. Fradkin, W. T. Green, R. E. Houston, P. F. D. McCann, M. J. Neville, L. M. Shore.

Group Instructors (London): J. N. Buchanan, A. H. Little, Norman Peel, E. J. McGrath.

Stand-By Instructors (Osgoode Hall): E. L. Schofield.

Stand-By Instructors (Ottawa): D. B. Bayne, Colin McKinnon, M. J. Neville.

Stand-By Instructors (London): M. E. Martin, J. F. McGarry, J. H. Melnitzer.

Approved

CONTINUING LEGAL EDUCATION – PROFESSIONAL CONDUCT AND SOLICITORS' NEGLIGENCE

On February 17th, 1978, Convocation adopted the report of this Committee approving a programme and examination for articling students during the articling term in the subjects of Professional Conduct and Solicitors' Negligence. This matter was before the Committee on January 12th, 1978, and the following part of the original item has not yet been dealt with by the Committee:

> "A proposal has been made to the Treasurer, by Mr. Hyliard G. Chappell, that members of the Society who require discipline for negligence and professional misconduct should be required to take some retraining which could be a course given in the Bar Admission Course, or some version thereof, followed by an examination. Mr. Chappell's letter to the Treasurer, dated December 5, 1977, is before the Committee."

The Committee recommended that this matter be referred to the Discipline Committee, Policy Section.

BAR ADMISSION COURSE – ARTICLING

A number of cases have arisen during the past year in which students-at-law have encountered difficulty in fulfilling the compulsory service under articles of clerkship for twelve consecutive months. These cases are of two kinds:

(1) A student-at-law who wishes to become a student member of the Society, the condition of which is to commence service under articles, is unable to find an articling position.

(2) A student member of the Society serving under articles has his or her articles terminated by the principal and is unable to find another articling position and have the articles assigned to a new principal either at all or without interruption in the required twelve consecutive month period.

For the most part these cases have been resolved with a result that the student-at-law has not been deprived of the opportunity to fulfil the articling requirement. There are no established or recognized guidelines governing the manner in which articles of clerkship once entered into may be terminated by a principal or by a student. The cases which have arisen indicate the need for rules under paragraph 19 of Section 54 (1) of The Law Society Act defining and governing the employment of student members while under articles.

The Committee recommended that a special sub-committee composed of Messrs. Rogers and Salhany be appointed to study, report and make recommendations with respect to these problems.

BAR ADMISSION COURSE – LONDON

The meeting of the London Bar Admission Course Advisory Committee was held on January 11th, 1978. The minutes of that meeting were before the Committee.

The Committee recommended that this matter be referred to the sub-committee on the Bar Admission Course.

SPECIAL PETITIONS

The Committee considered petitions from two student members on the 19th Bar Admission Course. One student had written and passed six examinations but due to medical reasons had been unable to write the other five examinations. The Committee recommended that this student be at liberty to write as special examinations the supplemental examinations to be held at the end of April or early in May in the five subjects which the student had been unable to write, subject to the condition that this liberty did not entitle the student to sit supplemental examinations following failure, if any, in one or more of the examinations so written.

The second student, on the results of nine examinations known at the date of the petition, had failed four papers and had therefore failed the Course. The student petitioned on personal and compassionate grounds to be called to the Bar and requested leave to present oral and documentary evidence. The Committee recommended that this petition be referred to the committee to be appointed to hear appeals from failure in the Bar Admission Course.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee dealt with six petitions of a routine nature; considered financial statements for the Bar Admission Course and Continuing Education; and reviewed a summary of Continuing Education programmes presented in February, 1978, and a publications report for February, 1978.

BAR ADMISSION COURSE – ANNUAL MEETINGS OF HEADS OF SECTIONS IN TORONTO AND SENIOR INSTRUCTORS IN OTTAWA AND IN LONDON

It was proposed that the annual meetings of the Heads of Sections and of the Senior Instructors be held at the places and dates following:

Osgoode Hall, Toronto, Heads of Sections – Wednesday, May 10th, 1978
Ottawa, Senior Instructors – Thursday, May 25th, 1978
London, Senior Instructors – Wednesday, May 31st, 1978

It was further proposed that on each occasion the meeting be followed by a reception and dinner.

The meeting, reception and dinner in Ottawa should be held at a place or places to be determined by the Director, and the meeting in London should be held at the Bar Admission Course premises and the reception and dinner at a place to be determined by the Director.

Noted

BAR ADMISSION COURSE – OPERATING GRANT FOR 1978-79

The Ontario Council on University Affairs recommended that a grant of $458,000 be made to The Law Society of Upper Canada for the support of the Bar Admission Course in 1978-79 and the Ministry of Colleges and Universities accepted this recommendation. Advisory Memorandum 77–VI of the Ontario Council on University Affairs setting out the allocation of the government's operating support for the university system in 1978-79 was before the Committee together with the Ministry's letter to the Director dated February 17th, 1978.

Noted

THE REPORT WAS ADOPTED

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LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 8th March, 1978.

The following members were present: John D. Bowlby, Chairman, and Messrs. Chadwick, Cherniak, Father Courtemanche, Messrs. Ellis, Ferrier, Mrs. Fleming, Messrs. Jones, Lamb, Michon, McLean, Ogilvie, Ruby, Shaffer, Wallace.

Sidney Linden, solicitor, Toronto, was also in attendance as an observer from the Criminal Lawyers Association.

Also in attendance by special invitation was John Weisdorf, Q.C., Director of Duty Counsel, Old City Hall, Toronto.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the ten month period ended January 31, 1978, shows that payments from the Legal Aid Fund were less than budget by $655,000. Of this total $177,000 represents under-expenditure of designated Community Clinic funds. The remaining $478,000 is accounted for as follows:

Under budget	$	$
Criminal certificate accounts	480,000	
Duty Counsel payments	43,000	
Northern Ontario pilot project	104,000	
Salaried Duty Counsel project	15,000	
Area office costs	115,000	
Provincial Office costs	152,000	909,000
Over budget		
Civil certificate accounts	393,000	
Legal Advice certificate accounts	38,000	431,000
Net under budget		478,000

Income from sources other than the Province of Ontario was less than budget by $208,000 as follows:

Under budget	$	$
The Law Foundation	340,000	
Miscellaneous Income	8,000	348,000
Over budget		
Client contributions	75,000	
Costs recovered	65,000	140,000
Net under budget		208,000

As at January 31, 1978, the balance in the Fund stood at $572,000.

Statistics

The following table compares reported activity for the first ten months of this fiscal year with the activity for the same period in the previous fiscal year:

	10 months ended Jan. 31, 1978	*10 months ended* Jan. 31, 1977	*% Change from last year*
Informal applications	78,864	79,432	– 0.7
Applications for certificates	86,903	84,481	+ 2.8
Refusals	28,718	26,247	+ 9.4
As a percentage of applications	33.0	31.1	
Certificates issued	62,812	63,177	– 0.6
Persons assisted by Duty Counsel:			
Fee for service	119,924	132,634	
Salaried Duty Counsel	22,299	–	
Total	142,223	132,634	+ 7.2

The following is an analysis of assistance to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	10 months ended Jan. 31, 1978		*10 months ended Jan. 31, 1977*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	165,767	100.0	163,913	100.0

	10 months ended Jan. 31, 1978		10 months ended Jan. 31, 1977	
	No.	%	No.	%
Advice and referral (Informal applications)	78,864	47.6	79,432	48.5
Certificates issued	62,812	37.9	63,177	38.5
Unassisted persons	24,091	14.5	21,304	13.0
	165,767	100.0	163,913	100.0

Write-Offs

George E. Wallace, Vice-Chairman, approved the write-offs of the following total of amounts due to the Legal Aid Fund: $2,760.42.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1977/78 Fiscal Year		1976/77 Fiscal Year	
	Month of Feb. 1978	11 Months to Feb. 1978	Month of Feb. 1977	11 Months to Feb. 1977
Accounts on hand at beginning	6157	4657	5364	5087
Accounts received	5429	56730	5210	58249
Total Accounts to be processed	11586	61387	10574	63336
Less: Files cancelled	30	439	34	403
Accounts Processed	5747	55139	4482	56875
Balance	5809	5809	6058	6058

Reviews

	Feb. 1978	11 Months to Feb. 28/78	11 Months to Feb. 28/77
Reviews on hand	249		
Reviews received in	115	1106	1303
	364		
Settlements reviewed	56	1121	974

	Feb. 1978	*11 Months to Feb. 28/78*	*11 Months to Feb. 28/77*
Brought forward	56		
Settlements awaiting review	292		
Settlements awaiting further information	16		
	364		

Appeals

	December	*January*	*February*
Appeals to Taxing Master received during	–	1	–
Appeals heard by Taxing Master	2	–	–
Appeals pending at the end of the month	1	1	1
Appeals abandoned	1	–	–

SUB–COMMITTEE OF THE LEGAL AID COMMITTEE

(a) At the February meeting of the Legal Aid Committee it was recommended that a sub-committee on statistics be appointed to investigate the obtaining and recording of Legal Aid statistics from the 46 area offices and in particular to review refusal rates reported from the Legal Aid areas, the sub-committee to make recommendations which will develop uniformity.

The following members were appointed to the Committee: Messrs. Ellis (Chairman), Ruby, Whealy, Barnes, Russell, McLean and Mrs. Smyth.

(b) The Committee recommended that a standing committee be appointed to consider policy and planning matters and make recommendations to the Legal Aid Committee.

The Chairman appointed the following members of the committee: Messrs. Wallace (Chairman), Carnwath (Vice-Chairman), Ruby, Mrs. Fleming and Mr. Whealy.

LEGAL AID COMMITTEE

(a) On January 20th, 1978, The Honourable R. Roy McMurtry, Attorney General for the Province of Ontario, wrote the Director informing him that he had appointed Mr. Xavier Michon, President of the Ontario Federation of Indian Friendship Centres, and Father Courtemanche, as lay representatives of the Legal Aid Committee.

(b) On February 20th, 1978, Allen M. Linden, Vice-Chairman of the Legal Aid Committee, was sworn in as a judge of the High Court of Justice.

ADMINISTRATION OF LEGAL AID IN RENFREW COUNTY

On December 31st, 1977, L. P. Lafrance, Q.C., Area Director, Renfrew County, resigned. The Director requested the Legal Aid administrators in Ottawa to provide support services in Renfrew pending the appointment of a new area director.

At a meeting of the Renfrew County Law Association held in the month of January, the local Bar invited James Chadwick, Q.C., Area Director, Ottawa-Carleton, and David Clancy, Deputy Area Director, to assume responsibility for administration of Legal Aid in Renfrew County. This change took effect on February 1st, 1978, and the arrangement was subject to review by the local Law Association in six months time.

The Committee approved a report from the Ottawa-Carleton Area Director, dated March 8th, 1978, with respect to the Plan's administration in Renfrew County.

DUTY COUNSEL, PROVINCIAL COURT, FAMILY DIVISION

In March, 1977, W. Reid Donkin, Q.C., Area Director, York County, was authorized to conduct an experiment for a period of three months involving the posting of Duty Counsel to the sittings of Provincial Court, Family Division with respect to support payments.

The Committee later authorized the extension of this project to the end of March, 1978. Mr. Donkin presented a report which showed that the experiment had been successful in reaching a group of people who otherwise would have received no legal assistance, in expediting cases coming before the court and in assisting the court to greatly reduce its backlog of cases before the introduction of the Familty Law Reform Act at the end of March.

The Committee authorized Mr. Donkin to use discretion in the posting of Duty Counsel in April on an experimental basis in order to evaluate the necessity for Duty Counsel and their role in the new procedures being introduced into the Provincial Court, Family Division.

APPOINTMENT OF AREA DIRECTORS

At its meeting in June, 1977, the Legal Aid Committee had before it a working paper on regionalization which had been distributed to the Area Directors for their comments. At the July meeting the Committee invited five Area Directors to attend and express their opinions on the proposals as set out in the working paper. Area Directors were also asked to respond in writing setting out their views by the end of August. Throughout the summer group meetings of Area Directors were also held.

On December 2nd, 1977, a joint meeting of the 46 Area Directors and members of the Legal Aid Committee took place. The general view was that in the vast majority of legal aid areas in the province, the system as it now exists is adequate.

During the past year several Area Directors have been appointed to the Bench, retired, etc. Temporary appointments were made to fill such vacancies until the matter of regionalization had been explored in greater detail.

The Committee approved the appointment of the following members of the Bar as Area Directors:

W. A. Woods	Kent County
R. W. Wilson	Leeds & Grenville Counties
Miss Joan Heath	Wellington County
John Wilson	Lincoln County

PART VII OF THE REGULATION PAYMENT OF COSTS

re: Haight v. Haight

Mr. Allan R. Caplan, solicitor, British Columbia, who acted for the Petitioner's wife in response to an application by the Respondent husband to vary a Decree Nisi has applied for payment of his client's taxed costs of $179.20.

The Committee considered a statement of the annual earnings and income of Mrs. Marion Georgina Haight and her monthly budget.

The Committee was of the opinion that there was no evidence of hardship to warrant payment of costs by the Plan. The application was refused.

CLINICAL FUNDING COMMITTEE

A regulation under the Legal Aid Act was approved in 1976, establishing a Clinical Funding Committee consisting of three members. The Clinical Funding Committee makes recommendations to the Director regarding the funding of independent community-based clinical delivery systems. Any recommendation approved by the Director *must* in turn have the approval of Convocation. At the present time, it is not necessary to obtain the approval of the Legal Aid Committee.

On March 2nd, 1978, the Clinical Funding Committee submitted a report to the Director recommending to the Director, and subject to the approval of Convocation, funding for various projects.

The Director recommended to Convocation that the report of the Clinical Funding Committee dated March 2nd, 1978, be adopted.

The Chairman of the Clinical Funding Committee agreed to delete the item with respect to *"People and Law"* from the Report of the Clinical Funding Committee and Convocation directed that the item with respect to *"People and Law"* be referred to the Legal Aid Committee for its consideration and report.

The following is a summary of the applications and amounts of funding recommended for the fiscal period 1978/79:

	Applicant	*Amount*
1.	Oshawa Tenants Action Clinic, Oshawa	$ 18,889
2.	Injured Workers' Consultants, Toronto	120,358
3.	Tenant Hotline, Toronto	98,638

4.	Queen's Correctional Law Project, Queen's University, Kingston	61,365
5.	Landlord's Self-Help Centre (formerly Land'aid), Toronto	41,982
6.	Injured Workers Legal Assistance Group, Hamilton	55,830
7.	Industrial Accident Victims Group of Ontario, Toronto	52,441
8.	Tenant Action Centre, Mississauga	13,875
9.	Black Resources and Information Centre, Toronto	15,997
10.	Bloor-Bathurst Information Centre, Toronto	15,500
11.	Kenora Clinic, Kenora (Interim funding for March, 1978,	63,850 $5,000)
–	McQuesten Legal and Community Services (formerly Eastend Community Legal Services Clinic), Hamilton	$ 88,675

*All of the above recommended funding levels are subject to the Attorney General's approval of designated funding in the appropriate amounts for clinics for 1978/79.

AREA COMMITTEES

Section 4 (1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

Nipissing District

Peter W. Rutland, solicitor, North Bay.

Northumberland and Durham Counties

Mrs. Barbara Steele, social worker, Campbellford.
Douglas Barber, solicitor, Bowmanville.

Simcoe County

J. L. Gignac, solicitor, Penetanguishene.

RESIGNATIONS

Nipissing District

J. H. Trussler, solicitor, North Bay.

Northumberland and Durham Counties

E. R. Lovekin, solicitor, Newcastle.

DECEASED

Northumberland and Durham Counties

Trevor E. Clarke, solicitor, Campbellford.

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 9th March, 1978.

The following members were present: Messrs. Pallett (Chairman), Brulé (Vice-Chairman), Ground, Farquharson, Ogilvie and R. F. Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following member has been honoured by his appointment to judicial office and his membership in the Society was placed in abeyance upon his assuming office:

Allen Martin Linden, Q.C. Downsview	Called – 22 June 1960 Appointed Judge, Supreme Court of Ontario, High Court of Justice – 3 February 1978

Deaths

The following members have died:

Joseph Frederich Schelter Hamilton	Called – 15 June 1939 Deceased – 20 January 1978
George Austin Paterson, Q.C. Hanover	Called – 16 September 1937 Deceased – 27 January 1978
Frederic Paul Laurence Washington Hamilton (Life Member)	Called – 20 October 1923 Deceased – 4 January 1978
William Ernest Regan Thornhill	Called – 14 September 1951 Deceased – 5 January 1978
Paul Frederick Greer, Q.C. Toronto	Called – 29 June 1950 Deceased – 14 February 1978
Robert Percival Milligan, Q.C. Cornwall	Called – 16 June 1932 Deceased – 14 February 1978
Osborn Shore Hollinrake, Q.C. Orangeville	Called – 15 June 1922 Deceased – 23 February 1978
Sydney Paikin, Q.C. Toronto	Called – 16 September 1948 Deceased – 2 February 1972

Noted

MEMBERSHIP RESTORED

Harry Godfrey Williams gave notice under Section 31 of The Law Society Act that his appointment as a Provincial Judge for the Province of Ontario had been terminated and he wished to be restored to the Rolls of the Society as a barrister and solicitor. Accordingly, his membership was restored effective 7 March 1978.

Noted

MEMBERSHIP IN ABEYANCE

Harold Douglas Peterson, Q.C., practised law until 1977 and at the same time was a part-time Provincial Judge. Mr. Peterson retired from the practice of law at the end of 1977 but continues to hold his position of a part-time Judge.

He was born 15 March, 1911, and sought to proceed under Rule 50, maintaining his membership at the reduced fee of $25. His application was refused by the Committee on 12 January, 1978, because of his continuing part-time employment.

Mr. Peterson was asked if he qualified under Section 31 to have his membership placed in abeyance. A letter from the

Assistant Deputy Attorney General explained that because Mr. Peterson is over 65, he is not eligible for a full-time appointment.

The Committee was asked to give further consideration to whether Mr. Peterson's membership is to be placed in abeyance under Section 31 on the basis that his only occupation is that of part-time Judge.

The Committee recommended he be advised that he does not come under Section 31 of The Law Society Act and that certain of the rules are under consideration which may be amended so as to affect his position next year.

MEMBERSHIP IN ABEYANCE – OUTSIDE ONTARIO

In February 1973, the Committee considered the question of whether the appointment of a member of this Society to a provincial judgeship outside of Ontario falls under Section 31 of The Law Society Act. Notwithstanding the section does not appear to apply, the Committee decided to extend to persons holding such appointments the same courtesy as is extended to persons appointed within Ontario. This decision was made informally and was not reported to Convocation. Over the years, five members of the Society have accepted such appointments in other jurisidictions and their memberships were placed in abeyance in accordance with the direction of the Committee. Two of the members have since returned to practice in Ontario.

The Committee was asked whether this practice should be continued. The question arises at this time because *Dietrich Brand,* a member of this Society and a solicitor in the North West Territories, has accepted a judgeship in Alberta. He has paid his current fees in Ontario.

The Committee recommended Mr. Brand be advised that he does not come under Section 31 of The Law Society Act and that certain of the rules are under consideration which may be amended so as to affect his position next year.

RESIGNATION

Charles Holland Locke of Ottawa applied for permission to resign his membership in the Society. Although he qualifies to continue his membership as a retired member under Rule 50, Mr. Locke chooses to resign. He asked that his letter of 17 February, 1978, be accepted in lieu of a statutory declaration as specified in Section 16 of the Regulation.

Approved

CHANGE OF NAME

George Walter Regasz-Rethy, a student member, requested that his name be changed on the Rolls of the Society to George Walter *Regasz Rethy* (without the hyphen).

The Committee recommended he be adivsed he must change his name under the Change of Name Act if it is to be changed on the Society's records.

Jennifer Jane Lingwood, a student member, requested that her name be changed on the Rolls of the Society to Jennifer Jane *Benimadhu,* her married name. Her petition and a copy of her marriage certificate were before the Committee.

Approved

Hong Kin Yee, a student member, requested that his name be changed on the Rolls of the Society to *William* Kin Yee. His petition and a copy of an Order of His Honour Judge Henry dated the 17 November, 1977, were before the Committee.

Approved

REFUND OF ANNUAL FEES

William G. Cochrane, Q.C., was appointed to the Bench on 12 December, 1977. Prior to that he had paid annual fees and an Annual Certificate had been issued to him. The Society was asked to make a refund of the fees.

Approved

REFUND OF TUITION FEES

Ms. *Judith Yormak* advised that she wished to withdraw from the current teaching term of the Bar Admission Course. She officially withdrew on 13 January, 1978. The Committee was asked to approve the refund of part of her tuition fees in the amount of $100.

Approved

ARREARS OF ANNUAL FEES

Under Section 36 of The Law Society Act, if a member fails to pay any fee or levy payable by him to the Society within four months of the date on which payment is due, he is liable for suspension for non-payment. The Annual Fee for 1977/78 was due on 30 November 1977. Notices of Fees due were mailed to the profession on 17 November, 1977. Reminder notices were sent on 28 January 1978 and on 2 March 1978, respectively, to those members in arrears at that time.

The Committee recommended that those members who are still in arrears be advised that the Committee will recommend to Convocation on 17 March, 1978, that if their fees are still unpaid by 31 March their rights and privileges be suspended on 3 April, 1978, for a period of one year and from year to year thereafter or until their arrears of fees are paid.

COUNSEL'S ACCOUNT

Mr. H. Lorne Morphy of Tory, Tory, Deslauriers & Binnington submitted his account in the amount of $858.80 in connection with the appeal of Mr. *William A. Stevens* to the Divisional Court.

Approved

ANNUAL FEES AND LEVIES

The Finance Administrator prepared a report dated 6 February, 1978, which is being reviewed by Mr. G. Farquharson.

Noted

MINUTES OF CONVOCATION

1,500 members responded to the request that they advise the Secretary if they wished to continue to receive Minutes of

Convocation. Effective with the issue of the Minutes covering January, 1978, Convocations, it was proposed to send them only to those who have requested them.

It was also proposed that the Minutes of Convocation be available on request on a subscription basis to persons other than members at an annual subscription rate of $15.

Approved

BARRISTERS' DINING ROOM

The Secretary has made arrangements with Mr. Michael Hinzel to take over operation of the Barristers' Dining Room from 3 April, 1978. Mr. Hinzel has operated the Student Cafeteria for a number of years and has recently provided meals for the Benchers on both Convocation days and Meeting days.

Mr. Hinzel plans to make some changes in the Dining Room designed to increase quality and improve sales volume.

The Committee approved his proposal for the use of small tables in addition to the refectory tables, and, for a trial period of one month, the serving of breakfasts from 8 a.m. to 9 a.m.

The Committee instructed the Secretary to issue a letter to Mrs. Prince thanking her for the service which she has provided to the Society and its members in the past and wishing her success in the future.

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing law associations which had sent in their Annual Returns for 1977 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1977 and 1978. The Libraries and Reporting Committee approved these grants at its meeting on 9th March, 1978, subject to the approval of this Committee.

Approved

LEGAL EDUCATION COMMITTEE

The following item appeared on the agenda of the above

Committee at its meeting on this date:

Bar Admission Course – Operating Grant For 1978/79

The Ontario Council of University Affairs has recommended that a grant of $458,000 be made to the Law Society of Upper Canada for the support of the Bar Admission Course in 1978/79 and the Ministry of Colleges and Universities has accepted this recommendation. Advisory Memorandum 77-VI of The Ontario Council on University Affairs setting out the allocation of the government's operating support for the university system in 1978-79 is before the Committee together with the Ministry's letter to the Director dated February 17th, 1978.

Noted

THE REPORT WAS ADOPTED

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MOTION TO SUSPEND: ARREARS OF ANNUAL FEES

It was moved, seconded and *carried* that those Barristers and Solicitors whose fees are still in arrears on 31st March, 1978, be suspended from practice on 3rd April, 1978, for a period of one year and from year to year thereafter, or until their fees are paid.

Of the 198 members whose names were before Convocation on 17th March, 1978, 44 were suspended as of 3rd April, 1978. Of these 22 were subsequently reinstated. The following are still suspended:

George Easton Anderson	Vancouver, British Columbia
Audrey Therese Christine Bayduza	Toronto
Robert Emmet Desormeau	Orillia
Michael Domovitch	Willowdale
Pierre-Michel Dube	Grimshaw, Alberta
Alan Earle Farber	Vancouver, British Columbia
Felicia Sharon Folk	Vancouver, British Columbia
Ernest Arthur Fox	London
Murray Herman	Toronto
Yvonne Adele Apperley Liljefors	West Vancouver, British Columbia
John David Lloyd	Pickering
David John MacDonald	Sydney, Nova Scotia

Nelson McFarlane	Stratford
Robert William McVey, Q.C.	Toronto
William Thomas Morrison	Thornhill
George Dietrich Mucalov	Calgary, Alberta
Herbert Sherman Silber	Vancouver, British Columbia
Andrew Allison Stewart	Victoria, British Columbia
John William Walsh	Toronto
James Wallace Webster	Toronto
Ryan Yoshy	Hammond
Roy Allen Youngson	Sault Ste. Marie

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LIBRARIES AND REPORTING COMMITTEE–Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 9th March, 1978.

The following members were present: Messrs. Seagram (Chairman), Farquharson, Rogers, Salhany, Strauss, Mrs. Tait, Mr. White, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The following donation to the Great Library was received:

Ministry of Transportation and Communication, Downsview	93 volumes, including 70 volumes of Statutes and 23 volumes of Reports.

Noted

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY LAW LIBRARIES

HAMILTON LAW ASSOCIATION

The Chief Librarian submitted a brief with respect to a request from the Hamilton Law Association for a special grant of $10,000 out of the special status grant of $45,000 which was received by the Society from The Law Foundation of Ontario in July of 1977. The Chief Librarian's submission indicated that there would be a 2½ – 3 year expansion and the $10,000 requested for 1978 would be the first phase of this programme. The Chief Librarian submitted a brief from the Hamilton Law Association dated March, 1978 which was discussed by the Committee. The Committee recommended that no action be taken on this application until further applications have been reviewed from other County and District Law Libraries which applications may be for part of the $45,000 special status grant.

INSURANCE – COUNTY LAW LIBRARIES

The Chief Librarian made a submission based upon the proposal from Mr. Dale of Tuckett-Little Insurance Ltd., which indicated a premium for a blanket insurance policy covering all County and District Law Libraries in Ontario not only on an all-risk basis but also on a liability basis, a tenants legal liability and a non-owned automobile basis. The Committee recommended that Mr. Dale be invited to attend the next meeting of the Committee to discuss this proposal further.

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1977. The amounts of the grants to which they are entitled under the Regulation in 1977 and 1978 are as follows:

	1977	*1978*
Brant	$2,000.00	$2,000.00
Bruce	1,670.00	1,705.00
Carleton	2,000.00	2,000.00
Dufferin	1,040.00	1,075.00
Durham Region	2,000.00	2,000.00

			1977	*1978*
Elgin			1,670.00	1,670.00
Hamilton			2,000.00	2,000.00
Kenora			1,145.00	1,285.00
Leeds & Grenville			1,180.00	1,320.00
Lindsay			1,075.00	1,285.00
Muskoka			1,285.00	1,285.00
Nipissing		1,775.00		
	Less 10%	177.50*	1,597.50	1,950.00
Prescott & Russell			760.00	795.00
Waterloo			2,000.00	2,000.00
Welland			2,000.00	2,000.00

*Penalty for late filing

Approved, subject to the approval of the Finance Committee.

SUB–COMMITTEE ON COUNTY LAW LIBRARY GRANTS

The Chief Librarian made a submission indicating that some of the counties will require money to purchase new texts and she stated that she would like to prepare a further submission to the Trustees of The Law Foundation of Ontario. The Committee recommended that a letter be sent to each County and District Law Library giving each county and district 30 days within which to send back a list of its proposed acquisitions.

PROPOSED LIBRARY – DISTRICT OF MANITOULIN

A letter from J. H. Sauvé, Crown Attorney, Sudbury, Ontario requesting a grant for books for the Gore Bay Court House Library was discussed by the Committee. The Committee recommended that Mr. Sauvé be advised that in view of Convocation's decision of 17th of June, 1977, the Committee could not accede to his request.

REPORTING

REPRINTING ONE PAGE OF VOLUME 17 OF THE ONTARIO REPORTS

The Secretary reported that he had received a complaint from a solicitor concerning the name of a case which had been printed in the Ontario Reports. The Secretary reported that Canada Law Book Limited agreed to insert a disclaimer in the Ontario Reports. The Committee recommended that the disclaimer to be printed by Canada Law Book Limited is sufficient and no further action be taken.

SUB–COMMITTEE ON LAW REPORTING – BLUE PAGES

The Secretary submitted a letter from Mr. Alan Marks of Canada Law Book Limited with an estimate for printing the Blue Pages for a 12 month period. The Secretary was instructed to table this matter until the April Meeting.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. J. D. Carnwath, Vice-Chairman, presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 9th March, 1978.

The following members were present: Messrs. Lochead (Chairman), Cass, Furlong, Kellock, Ruby and Mrs. Sutherland.

DECISIONS

Recently it has been noted that Decisions have disclosed not only established specific Complaints but all those that have not been found established. The Committee considered the question of whether it is advisable to list those specific

Complaints found not to be established. Instructions have been issued that wherever feasible, material relating to specific Complaints found not to be established is not to be included in Decisions.

HARRY G. WILLIAMS

The Committee considered the Report of the Commission of Inquiry re: Provincial Judge Harry G. Williams which inquired into, and reported upon, the circumstances relating to the behaviour or misbehaviour of the said Judge, respecting his ability or inability to perform his duties properly, including alleged incidents involving him and one Lynne Martineau. The Commissioner, The Honourable Mr. Justice Sydney L. Robins, reported that the Judge's behaviour had rendered himself subject to being removed from office. Mr. Williams has given notice, in writing, to the Secretary pursuant to Section 31 of The Law Society Act and accordingly has been restored to membership in the Society. The Committee was of the opinion that no disciplinary action should be taken with respect to Mr. Williams.

A number of other matters were considered and the appropriate action or reference taken.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. Carnwath presented the Compensation Fund Summary for the period ended 28th February, 1978.

COMPENSATION FUND

For the Period from 1st July, 1977 to 28th February, 1978

(8 months)

TOTAL RECEIPTS	$ 314,001.99
TOTAL DISBURSEMENTS	75,120.11
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 238,881.88

BALANCE OF FUND at beginning of period	$1,360,674.79
BALANCE OF FUND at end of period	$1,599,556.67

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 28th February 1978	$3,219,101.06
TOTAL PAID to 28th February 1978 from the commencement of the Fund on account of 1,010 claims of 112 former solicitors	$4,100,230.29

THE SUMMARY WAS RECEIVED

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PUBLIC RELATIONS COMMITTEE–Mr. Wallace

Mrs. R. M. Tait presented the Report of the Public Relations Committee of its meeting on Thursday, 9th March, 1978.

The following members were present: Mrs. Tait (Acting Chairman), Messrs. Pomerant and Tobias.

PAMPHLETS

Convocation in February amended the Committee's recommendation respecting the distribution of the four pamphlets which were prepared, one of which required amendment, and directed that the remaining three be distributed to places where they will be seen by the public generally. This distribution had not yet been made and the Committee recommended that it be delayed until the defective pamphlet has been corrected and reprinted and the pamphlet being produced by the Canadian Bar Association has been printed so that all five can be distributed together.

CANADIAN BILL OF RIGHTS

It has been suggested that the Society make arrangements to have a copy of the Canadian Bill of Rights provided in the schools in every classroom. The Committee recommended that the Society explore the matter with the Ministry of Education.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mrs. L. L. Legge presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 9th March, 1978.

The following members were present: Messrs. Cass, Ground and Mrs. Legge.

APPLICATIONS

The Committee was asked to ratify the Chairman's action in making grants to two applicants and did so. The Committee considered applications for grants from these two applicants and two others and in each case recommended that grants be made.

STUDENT APPLICATION

The Committee had before it an application for a grant from a student and a memorandum from the Assistant Director of the Bar Admission Course recommending that no grant be made. The Committee approved this recommendation and recommended that no grant be made.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA

Mrs. L. L. Legge, Chairman, presented the Report of the Special Committee on Muniments and Memorabilia of its meeting on Thursday, 9th March, 1978.

The following members were present: Mrs. L. Legge (Chairman), Mrs. Tait, Mr. Ogilvie and Mr. J. Honsberger (Curator).

1. Mrs. M. Allodi, the Assistant Curator of the Royal Ontario Museum, requested the loan of the Law Society's portrait of William Warren Baldwin by Theophile Hamel, which presently hangs in the Benchers' Dining Room. The Museum will be holding an exhibition of early Canadian portraits in the Sigmund Samuel Canadiana Building from April 7th through September 10th, 1978. The portrait of William Warren Baldwin would be a valuable addition to this exhibition through its representation of an era in Canadian history. The Museum, of course, would assume full responsibility for insurance, transportation and security of the portrait.

The Committee recommended to Convocation that the Law Society lend the portrait to the Royal Ontario Museum for the exhibition in question provided the Museum assumes full responsibility for insurance, transportation and security and proper credit is accorded the Law Society in the displaying of this portrait.

2. PRESENTATIONS

Miss Marjory Colloton has presented a copy of the Order of Service for the Unveiling and Dedicating of a Memorial in the Great Library, dated Saturday, 10th November, 1928.

Miss Philippa Swan has presented a portrait of her great-grandfather, the late James Hutchison Esten done by Berthon. Mr. Esten was Secretary of the Law Society from 1872 to 1892 and lived in the Hall for many years.

Mr. Paul J. G. Kidd has presented a copy of the Handbook of the Law of Sale of Goods bearing an inscription by the late Dean Falconbridge. This book was given to Mr. Kidd by the late A. G. S. Wartman who was a member of the Law Society.

Mr. Arthur Heeney, the Law Society's Architect, has presented a series of photographs of the Hall's fence and gates taken during the recent renovations.

During the recent renovations at the Law Society an ancient lightbulb and a free blown bottle were discovered between the old and new roof supports behind the Benchers' quarters. Mrs. Helen Ignatieff, formerly of the Royal Ontario Museum, is attempting to determine the year in which the bottle was produced.

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 6:00 P.M.

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Read in Convocation and confirmed 21st April, 1978.

W. GIBSON GRAY
Treasurer

THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 4

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 13th April, 1978
11:00 a.m.

PRESENT:

The Treasurer (Mr. W. Gibson Gray) and Messrs. Brulé, Cass, Fennell, Furlong, Ground, Kellock, Mrs. Legge, Messrs. Lochead, Orkin, Pepper, Willoughby, and Mesdames Sutherland and Tait.

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LEGAL EDUCATION COMMITTEE–Mr. Finlayson

Mr. J. D. Ground, Vice-Chairman, presented the Report of the Legal Education Committee of its meeting on Wednesday, 12th April, 1978.

The following members were present: Mr. J. D. Ground, Vice-Chairman, Messrs. Brulé, Carthy, Rogers, Ruby, Salhany, Thom, R. J. S. Gray and Mrs. R. M. Tait.

THE 19TH BAR ADMISSION COURSE – REPORT OF THE BOARD OF REVIEW

The report of the Board of Review for the teaching term 1977-78 in the 19th Bar Admission Course was before the Committee.

Accepted and Adopted

THE 19TH BAR ADMISSION COURSE RESULTS

The following were before the Committee:

(a) The list of prize winners in the 19th Bar Admission Course;

(b) The list of names of the 950 candidates in the 19th Bar Admission Course who had been found by the Board of Review to have completed the Bar Admission Course successfully;

(c) The list of the names of 8 students in the 19th Bar Admission Course who had been found by the Board of Review to have failed the Course.

Accepted and Adopted

Regarding item (c) the Committee recommended the appointment of a Committee composed of Mr. J. D. Ground, Vice-Chairman, and all members of the Legal Education Committee to hear appeals from failure in the Bar Admission Course during the week commencing Tuesday, May 23rd, 1978.

20TH BAR ADMISSION COURSE TIMETABLE FOR THE TEACHING TERM

A draft timetable for the teaching term of the 20th Bar Admission Course was before the Committee for acceptance and approval.

Accepted and Approved

BAR ADMISSION COURSE – STATUS OF ARTICLING STUDENTS

Mr. Norman C. Jackson, City Solicitor for the City of Kingston wrote to the Director concerning the status of a person who will commence service with him as an articling student about May 15th, 1978. The position for the law student to article in the City Solicitor's office was recently created by City Council and the C.U.P.E. local which represents the inside workers submitted a grievance under a collective agreement between the Union and the City claiming that the articling student should be a member of the Union and that the salary of the law student was improperly classified. The grievance passed through the internal procedure and in accordance with the collective agreement will now proceed to an outside board of arbitration probably within the month of May or later. Mr. Jackson sought the direction of the Law Society as to the role and status of the articling student in these circumstances. Mr. Jackson's letter dated April 3rd, 1978 was before the Committee.

The Committee recommended that the Director reply to Mr. Jackson advising that the Society has not taken a position on the issue as to whether an articling student may or may not be a member of a trade union, that the Ontario Labour Relations Board has ruled in another case that a student under articles may be a member of a trade union, save always that the articling student as a student member of the Society, whether or not a member of a trade union, must completely fulfil and satisfy his or her responsibilities to the client, the principal and the Society.

BAR ADMISSION COURSE – BURSARY ON DEVISE FROM THE ESTATE OF MARGARET A. M. FRASER

The Society was advised that a gift had been made under the Will of the late Margaret A. M. Fraser, Q.C., who died on November 5th 1977, in the following terms:

> "The sum of Three thousand ($3,000.00) dollars as a Bursary to be known as the Angus and Margaret Fraser Bursary, for the assistance of Students-at-Law, enrolled at Osgoode Hall, Toronto, in such manner as the Benchers of the Law Society of Upper Canada may from time to time determine."

A letter from the Executors to the Secretary dated March 28th, 1978, with related correspondence, was referred to the Committee at the direction of the Treasurer.

The Committee recommended that the Secretary advise the executors of the Margaret A. M. Fraser Estate that the view held by the Society is that the words "Students-at-Law, enrolled at Osgoode Hall, Toronto", in the residuary bequest in the will of the testatrix mean students-at-law in the Bar Admission Course and that the Society is of the view that the executors should so advise Osgoode Hall Law School of York University to see if they agree or have any different opinion.

SPECIAL PETITION

The Committee considered a petition from a candidate in the 19th Bar Admission Course who had written eleven examinations, failed six and attained an overall average of 48.27%. The petitioner asked, on the gound of extenuating or exceptional circumstances that he be granted:

(a) A pass standing in the Bar Admission Course;

(b) A pass in the five courses for which he submitted written arguments on merits;

(c) A pass in Bookkeeping and Analysis of Financial Statements; Civil Procedure II and Estate Planning;

and in the alternative that his papers be re-read on the basis of written arguments on merits which he has submitted to the Director.

The Committee recommended that this petition be referred to the Committee hearing appeals from failure in the Bar Admission Course and that the Director have the examination papers in Civil Procedure II, Income Tax, Corporate and Commercial Law and Estate Planning re-marked by the examiners who will have regard to the written submissions made by the candidate after the end of the Course.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered and approved two petitions of a routine nature; considered financial statements for the Bar Admission Course and Continuing Education; and reviewed a summary of Continuing Education programmes presented in March 1978 and the Continuing Education publications report for the month of March 1978.

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting on Wednesday, 12th April, 1978.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. Legge, Vice-Chairman, Messrs. Cass, R. J. S.

Gray, Ground and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

A list of 949 candidates, who have successfully completed the Nineteenth Bar Admission Course, and 2 candidates who have successfully completed the Eighteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210.00 and who applied for call to the Bar at the places and on the dates shown and to be granted Certificates of Fitness, was submitted as follows:

347 Candidates – Toronto – 13th April 1978
368 Candidates – Toronto – 14th April 1978
90 Candidates – London – 17th April 1978
146 Candidates – Ottawa – 19th April 1978

Stuart Beverley Scott was called to the Bar and admitted as a Solicitor on 10th April, 1964, and was disbarred on 21st April, 1967. He applied for readmission and Convocation, on 17th June, 1977, approved his application on the basis that he (a) successfully complete the teaching portion of the Bar Admission Course and (b) give an undertaking that, without the express approval of Convocation, he will not practise on his own and will have no authority to sign cheques drawn on any Trust Account. Mr. Scott fulfilled the first of these conditions and acknowledged that he is bound by his undertaking and it is recommended that he be called to the Bar and granted a Certificate of Fitness in Ottawa with the graduates who have completed the Nineteenth Bar Admission Course there.

Approved

OCCASIONAL APPEARANCE

Donald Nundal, of the Province of British Columbia, applied to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina v. Kenitex Canada Limited et al.* Mr. Nundal complied with the requirements of Section 10 and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the April Convocation.

Approved

William Stephan Grodinsky of the Province of Quebec, applied to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces" in the case of *Regina and Hydro Electric Power Commission of Ontario v. Iroquois of St. Regis Indian Band.* Mr. Grodinsky complied with the requirements of Section 10 and presented a Certificate of Good Standing.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

At its meeting on 12th April, 1978, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

Donald Nundal	Province of British Columbia

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further nine candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1977.

Approved

BAR ADMISSION COURSE

A correspondent who had been convicted of theft in Magistrates Court in England and fined asked whether his criminal record would prevent his admission to the Bar Admission Course and later to the practice of law. At its March meeting the Committee considered a letter from the adjudicating Magistrate and recommended that the correspondent be given an opportunity to appear before the Committee. The correspondent appeared before the Committee at its April meeting and made submissions.

The Committee recommended that the correspondent be advised that the material before the Committee would not be a bar to his being called to the Bar of Ontario.

DIRECT TRANSFER FROM QUEBEC

The Committee considered and approved four applications to transfer to practise in Ontario from four members of the Quebec Bar, who sought permission to proceed under Regulation 4 (2).

SPECIAL PETITION FROM QUEBEC SOLICITOR

The Committee had before it a petition from a member of the Quebec Bar who had been called in 1954 and had worked with major Canadian corporations and been in private practice in Quebec from that time until 1973 when he came to Toronto. The applicant is employed by a Canadian corporation in Ontario in an executive capacity and as counsel. He asked for special consideration to proceed under Regulation 4 (2) since he was not aware of the Regulation when he came to this province and had practised law for more than three of the five years preceding his arrival.

The Committee recommended that the application be denied because the applicant had not practised for three out of the past five years in a jurisdiction in which he was qualified to practise.

REPORT OF THE SUB–COMMITTEE TO CONSIDER REGULATION 4

This report was before the March meeting of the Committee and it was recommended that it stand to the April meeting. *(See pp. 211 - 217.)*

Approved

The Committee recorded its appreciation of the careful work of the Sub-Committee.

EXCEPT FOR THE *Report of the Sub-Committee to Consider Regulation 4* **WHICH STANDS TO BE CONSIDERED AT THE REGULAR CONVOCATION ON 21ST APRIL, 1978 –**

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED AT 11:30 A.M.

. . . .

The Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room at Osgoode Hall The Honourable W. G. C. Howland, Chief Justice of Ontario, and Mrs. Howland; The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario, and Mrs. Evans; His Honour Chief Judge W. E. C. Colter, County and District Courts of Ontario, and Mrs. Colter; His Honour Judge R. G. Phelan, Judicial District of York, and Mrs. Phelan; His Honour Judge H. E. Zimmerman, Provincial Court (Criminal Division), Judicial District of York, and Mrs. Zimmerman; Mr. J. R. Barr, Q.C., and Mrs. Barr; Mrs. J. A. Gray; Mr. R. L. Pepall, Q.C., and Mrs. Pepall; Mr. O. J. Rowe, Q.C., and Mrs. Rowe; Mr. G. W. Collins-Williams, Director of Legal Education; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course, and Mr. Kenneth Knox; and Mr. William R. Buchner, Assistant Director, Bar Admission Course, London, and Mrs. Buchner.

. . . .

Following luncheon the Treasurer, the Benchers and their guests proceeded to the O'Keefe Centre for the Call to the Bar Ceremonies of the 345 graduates of the Nineteenth Bar Admission Course and the two graduates of the Eighteenth Bar Admission Course who had applied to be called on Thursday, 13th April, 1978.

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CONVOCATION RESUMED AT 2:00 P.M.

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PRESENT:

The Treasurer and Messrs. Brulé, Cass, Fennell, Furlong, Ground, Kellock, Mrs. Legge, Messrs. Lochead, O'Brien, Orkin, Pepper, Rogers, Willoughby, and Mesdames Sutherland and Tait.

The body of the auditorium was occupied by the 347 graduates, their families and friends.

The Treasurer introduced The Honourable W. G. C. Howland, Chief Justice of Ontario, who addressed the graduates.

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PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following prizes and scholarships to:

The Treasurer's Medal; The Roland O. Daly Scholarship;
and The Edwin George Long, K.C., Memorial Scholarship:

Harry Radomski

The S.J. Birnbaum, Q.C., Scholarships for Estate Planning:

First Prize:	Anne Smokorowski (tie)
Second Prize:	Charlia Day von Buchwald (tie)
Third Prize:	Dennis Reuben Steinberg (tie)

The Criminal Procedure First Prize; and The Vera L. Parsons Prize:

Gaylanne Phelan

The William Belmont Common, Q.C., Prize for Criminal Procedure:

Bernard Samuel Fishbein (tie)

and congratulated the following who had been given special appointments:

A Law Clerk to The Honourable W. G. C. Howland, Chief Justice of Ontario:

Richard Allan Bickerton Devenney

Law Clerks to The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario:

Elizabeth Dianne Caldwell
Maria Teresa Linhares De Sousa
Barry Michael Fisher
Linda Jane Rutherford

A Law Clerk to His Honour Chief Judge W. E. C. Colter, Chief Judge of the County and District Courts for the Counties and Districts of Ontario:

Michael Grant Minshall

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CALL TO THE BAR

Mr. P. B. C. Pepper, Chairman of the Admissions Committee, presented to the Treasurer 345 candidates for Call to the Bar as follows:

NINETEENTH BAR ADMISSION COURSE 1977-78

CANDIDATES FOR CALL TO THE BAR ON THURSDAY, 13TH APRIL, 1978

Lucio Anthony Acciaccaferro
Brian Allan Adair
Barry William Adams
Dawn Audrey Adams
Denis Cameron Allan
Robert John Allen
Catherine Horton Anderson
Alan Arkilander
Blaine Roy Armstrong
Harold Michael Armstrong
Nigel Stephen Axton
Donald Sumner Baker
Wendy Howard Baker
Charles Nicholas Balme
Geza Robert Banfai
Robert Warren Barclay
Craig Spencer Barnard
Peter Marshall Barr
Brian Douglas Barrie
Norbert Bartels
Moira Bartram
David Philip Baskin
Robert Joseph Baytor
Catherine Margaret Beamish
Albert John Bickerton
Michael Moses Bines
Christopher Charles Black
Victor Alexander Boraks

Nancy Lee Boston
Joseph William Bovard
George Arthur Bragg
Jeffrey Jay Brandwein
Barney Wakefield Brucker
William James Buchner
Robert Charles Burgis
Brian William Timothy Burkett
Francis Joseph Burns
Elizabeth Dianne Caldwell
Brian Richard Calhoun
Carol Anne Calverley
Christina Margaret Cameron
Catherine Helen Campbell
John Hamilton Campbell
John Anthony Capo
Carol Carter
Mark Lawrence Castle
Susan Gail Cavan
Paul Chadwick
William Stephen Challis
Andrew Douglas Chant
Michael Thomas Chilco
Masood Qadir Chowdhry
Joseph Michael Chrolavicius
Stephen Douglas Alfred Clark
Susan Dale Clarke
Donald Ray Cobb
Sheila Daphne Collin
James Kevin Conley
Robert William Cook
Carole Curtis
George Czutrin
Gary Allan Daniels
Milton Arthur Davis
Alan Philip Charles Dean
Carlos Antonio Marques De Faria
William Cornelius DeLucia
Richard Allan Bickerton Devenney
Rubin Dexter
Stephen Herschel Diamond
Bruno Nicholas DiGregorio
Alan David Direnfeld
Frances Margaret Rattray Dixon
Paul Stacey Dixon
John Alexander Henry Donnelly
Anthony Robert Joseph Dumont
Bruce Grant Dunsmuir
Howard Sanford Dyment
Robert Bruce Eddy
Stephen Douglas Elliott
John Frederick Ellis
Brendan Peter Evans
Brian Kenneth Evans
Jerry Faivish
Gary Sheldon Farb
Joseph Favaro
John Lawrence Finlay
Gary Lorne Firman
Stephen James First
Bernard Samuel Fishbein
Barry Michael Fisher
Joan Ruth Fisher
Lawrence Michael Fox
Alan Stanley Franklin
Claude Jeffrey Freedlander
Lorna Susan Freedman
John Chesley French
Ronald Aaron Fritz
Frederick Howard Fruitman
Kenneth Fukuda
Gregor James Fyshe
Philip Howard Gennis
Elizabeth Ann Gibson
William Walter Gilbert
Gail Elaine Glickman
Harry Abraham Glicksman
Ethel Rhoda Keces Goldman
Thomas Goldstein
David Garth Goodaire
Jack Charles Goodman
Peter Mills Gordon
Bruce MacKenzie Graham
Kingsley Donald Graham
Robert Duke Grandy
Scott Douglas Gray
Wayne Scarisbrick Gray
Michael John Griffin
Raymond Murray Grosberg
Tad Henry Grygiencza
Catherine Anne Haber
John Ray Hall
John Stuart Hall
Linda Ann Hall
Irwin Allan Hamilton
David Walter Rowland Hammond
Kenneth Wasson Hanbidge
Jean Kathryn Hanink
John Melville Hartley
John David Hay
John Howard Heacock
Earl Stanley Heiber
Michael Allan Heller
Alexander Ian McLean Henderson
Daniel Jan Henry
Robert Joshua Herman
Gregory Charles Hertzberger
John Walter Wallen Hick
Kenneth Charles Hill
John Burkhard Hippler
Judith Holzman
Richard Horodyski

Jeffry Albert House
Peter David Hunter
David Andrew Hyslop
James Allan Ingram
Sidney George Isaac
Barbara Louise Jackman
Kenneth Wayne Jackson
George Worthin Jenney
Ajit Samuel John
John Edward Johnson
Donald Blair Johnston
Philip William Jones
Michael Antony Kainer
Harvey James Katz
Michael John Kennedy
David MacMillan Kerr
Mohamed Manjee Keshavjee
Alan Ross Kester
Ronald John Kitchen
Harvey Klein
Bernard Herschel Jacob Kleinberg
Anthony Klemencic
Robert Douglas Kneebone
Norman Hideo Kondo
Enid Corinne Korzen
Nancy Grace Koster
Larry Krauss
Jay Howard Krieger
Johannes Harold Kromkamp
Bruce Stephen Lackenbauer
Paul Walter Lackowicz
Lawrence Peter Bronas Lagowski
Stanley Isaac Landau
Sharon Malka Lax
David Garth Leitch
Robert Allan Levine
Glenys Esther Lindenberg
Nathan Lindenberg
Maria Teresa Linhares De Sousa
Ritchie James Linton
Barry Austin Lynch
Charles Roggenkamp MacColl
Janet MacDougall
Jerald Wayne MacKenzie
Joseph Maggisano
Jeffrey Alexander Mann
Joseph Salvatore Mannone
Lonny Wayne Mark
Dianne Lee Martin
Rommel Gerard Masse
Donald Carl Mayne
William Paul McCague
Daniel Kevin McClean
Brian George McClellan
Gordon Robert McClellan
Joanne Susan McClusky
Judith Anne McCormack
Michael Anthony McCue
James Joseph McDermott
James Kenneth McDonald
Douglas James McFadden
David Malcolm McFadyen
Jacqueline Hollyer McFarland
Jack George McGee
Terence William McGraw
Elizabeth Jean McIntyre
Bruce Andrew McKenna
John Alexander McKerroll
Richard Peter McLaughlin
Ian Neil McLean
David James McNab
Ann Karin Meema
William Jerry Melko
Anthony Mitchell Michael
Barry Hugh Michaels
David Morton Midanik
Allan Vincent Mills
Michael Grant Minshall
Brian George Mooney
John Paul Moore
Donald Edward Morris
Michael James Morris
William Hubert Morris
John Patrick Mullen
James Cameron Nelson
Ian Victor Boulton Nordheimer
Wayne Sydney Novak
Edward Frederick Olkovich
Felice Anne O'Neill
Andrew Orr
Marianne Orr
Douglas Lloyd Owens
Laszlo Csaba Pandy-Szekeres
Mark Marian Pankowski
Steven Philip Parish
Charles Craig Parks
Michael Leigh Paterson
Alys Bonwyn Patterson
Ruby Grace Patterson
Maria Pede
John Thompson Pepall
Kenneth Michael Petryshen
Gaylanne Phelan
Kenneth Irwin Picov
Allan Wayne Piddington
William McCrea Pigott
Andrew James Pirie
William Popovski
Thomas David Prest
Gregory George Price
Harry Radomski
Elinore Anne Ready

George Walter Regasz-Rethy
Louise Jean Rehak
Arlen Charles Reinstein
Alan Jeffrey Risen
Alistair Thomas Maurits Riswick
David Howard Lyle Rosen
Frederick Howard Rosenzweig
Linda Cheryl Roulet
Frederic Christopher Rous
Jay Duncan Rowatt
Ian Jennings Rowe
Linda Jane Rutherford
Sheldon Isaac Jacob Salcman
Hartley Spencer Samis
Martha Laurie Sanford
Phillip Lawrence Sanford
William Anthony Sangster
Jayson Brian Schwarz
Malcolm McDonald Richardson Seheult
Walter Sehr
Karen Anne Selick
Francesco Caruso Sgro
Susan Rebecca Shamai
James Douglas Shanks
Frederick Langford Sharp
Peter Gardiner Frank Shelley
Thomas Michael Sheppard
Thomas William Sherman
Robert Allen Lyon Shour
Kenneth Richard Shugart
Lou Warren Shulman
Lawrence Shuman
Joel Michael Shupac
Alan Siegal
Marvin Joel Singer
Stephen Andrew Slater
Paul William Slocombe
Eleanor Joanne Smith
Yolanda Janne Smith
Anne Smokorowski
Douglas Edward Snider
Mario Cornelius Sommer
Rene Richard Sorell
Michael Alan Spears
Paul Louis Spears
Barry Nelson Spiegel
Philip Stephen Staddon
Barbara Steinberg
Dennis Reuben Steinberg
Sheldon Howard Steinberg
Elizabeth Margaret Stewart
Linus Philipp Fritz Straub
Sheldon Andrew Sugden
Richard Frederick Taylor
Stanley Blake Teichman
Stephanie Lillian Thomas
Philip Charles Tinianov
Eric Cameron Trimble
Anne Cameron Trousdale
Mark Edwin Turcot
Frederick Scott Turton
Richard Joseph Tyndorf
Thomas Murray Valentine
Dennis Constantin Vasilaros
Charlia Day von Buchwald
Cynthia Kathryn Waite
Howard Lawrence Waldman
David Judah Walerstein
William James Walker
Robert Daniel John Wappel
John Richard Ward
Joseph George Ward
John Paul Wearing
Franklin Douglas Weinstock
Elizabeth Jane Weir
Ronald Allan Weisfeld
Lawrence Charles Wesson
Robert James Wilkins
Jeffery Howard Wilson
William David Wilson
Gerald Richard Wise
Wing Hing Wong
Gary Lorne Wright
John William Wright
Kenneth James Yolles
Owen Douglas Young
Paul David Young
Jeffrey Bard Zahn
Irene Ann Zalagenas
Frank Gabriel Zambosco
John Peter Zarudny
Malcolm David Zbarsky
Hugh Alexander Zimmerman

and presented to the Treasurer two candidates for Call to the Bar as follows:

EIGHTEENTH BAR ADMISSION COURSE 1976-77

CANDIDATES FOR CALL TO THE BAR ON THURSDAY, 13TH APRIL, 1978

Michael John Wells Finley	Suzanne Elizabeth McClennan

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

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CONVOCATION ADJOURNED AT 3:30 P.M.

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Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario, presiding.

Mr. P. B. C. Pepper presented the candidates to the Chief Justice of the High Court, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

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At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the O'Keefe Centre.

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Read in Convocation and confirmed 19th May, 1978.

W. GIBSON GRAY	G. D. FINLAYSON
Treasurer at the April Convocation	Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – Friday, 14th April, 1978
2:00 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room at Osgoode Hall Mr. Arthur E. M. Maloney, Q.C., The Ombudsman, Ontario, and Mrs. Maloney; The Honourable W. G. C. Howland, Chief Justice of Ontario; The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario; The Right Honourable Roland Michener, P.C., Q.C., and Mrs. Michener; Mr. John W. Blain, Q.C., and Mrs. Blain; Mr. V. B. Copp, Q.C., and Mrs. Copp; Mr. W. A. Cowan, Q.C., and Mrs. Cowan; Mr. G. W. Collins-Williams, Director of Legal Education; and Mrs. E. R. Knox, Assistant Director, Bar Admission Course.

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Following luncheon the Treasurer, the Benchers and their guests proceeded to the O'Keefe Centre for the Call to the Bar Ceremonies of the 368 graduates of the Nineteenth Bar Admission Course who had applied to be called on Friday, 14th April 1978.

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CONVOCATION RESUMED AT 2:00 P.M.

....

PRESENT:

The Treasurer (Mr. W. Gibson Gray) and Messrs. Brulé, Carthy, Ground, Kellock, Mrs. Legge, Mr. Maloney, The Rt. Hon. Roland Michener, Messrs. Orkin, Pepper, Seagram, Ogilvie, and Mesdames Sutherland and Tait.

The body of the auditorium was occupied by the 368 graduates, their families and friends.

The Treasurer introduced Mr. Arthur E. M. Maloney, Q.C., The Ombudsman, Ontario, who addressed the graduates.

. . . .

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following prizes and scholarships to:

The Law Society Prize for the student obtaining the second highest marks in the Course; The Edwin George Long, K.C., Memorial Scholarship; and The S.J. Birnbaum, Q.C., Scholarship for Estate Planning (Third Prize – tie):

Joan Margaret Harrigan Weppler

The Law Society Prize for the student obtaining the third highest marks in the Course; The William Belmont Common, Q.C., Prize for Criminal Procedure (tie); and The Harcourts Advocacy Award:

David Gooderham Stinson

The Law Society Prize for the student obtaining the fourth highest marks in the Course; and The Benjamin Luxenberg Prize in Creditors' and Debtors' Rights:

Peter Claude Kalbfleisch

The Commercial and Company Law Prize:

Jeffrey Gordon Cowan

The William Belmont Common, Q.C., Prize for Criminal Procedure:

Patrick James Devine (tie)
Margaret Pauline Eberhard (tie)
Stephen Richard Morrison (tie)
Susan Barbara Switch (tie)

The S.J. Birnbaum, Q.C., Scholarships for Estate Planning:

First Prize:	Jules Leopold Lewy (tie)

Second Prize: Jack Douglas Winberg (tie)
Third Prize: Ann Elizabeth Wilson (tie)

The Herbert Egerton Harris Advocacy Scholarship (tie); and The International Academy of Trial Lawyers Prize for Civil Procedure (tie):

Robert Warren Law

The Practitioners Prize in Real Estate:

Richard James Buset

and congratulated the following who had been given special appointments:

Law Clerks to The Honourable W.G.C. Howland, Chief Justice of Ontario:

Joseph Paul Chertkow
Faye Wynne McIntosh Janis
Diana Margaret Majury
Cynthia Rochelle Cooper Sefton

Law Clerks to The Honourable G.T. Evans, Chief Justice of the High Court of Justice for Ontario:

Mary Jean Braun
Mary Elizabeth Byck
Janet Ellen Gross
Marilyn Pearl March
Rebecca Regenstreif

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CALL TO THE BAR

Mr. P. B. C. Pepper, Chairman of the Admissions Committee, presented to the Treasurer 368 candidates for Call to the Bar as follows:

NINETEENTH BAR ADMISSION COURSE 1977–78

CANDIDATES FOR CALL TO THE BAR
ON FRIDAY, 14TH APRIL, 1978

Simon Joseph Adler
Mark Elliot Alter
James Stewart Anderson
Frank Angeletti
Leonard Leslie Annett
James Horace Archer

Constance Barbara Backhouse
Glenn Russell Baker
John David Baker
James Alexander MacKinnon Ballard
Timothy John Bankier
John Paul Bannon
Christine Louise Barkwell
Stephen Leslie Barrett
Louise Irene Barrington-Corres
Angeline Bassel
Shelly Patricia Battram
Bernard Baum
Eldon James Bennett
Mary Lou Benotto
Ivan Lewis Betcherman
Douglas Clive Blake Betts
Phillip Granville Bevans
Jean-Paul Raymond Bisnaire
Rosemary Lillian Robinson Black
Ian Robert Blain
Joseph Nelson Blake
Mark Richard Blidner
Myron Gary Blustein
Patricia Bertha Bockus
Bohdan Hryhorij Yullian Bodnaruk
James Augustine Boll
Christopher Michael Bondy
Annemarie Erika Bonkalo
Anthony Bastiaan Bouma
Peter Nicholas Bourque
Paul Edward Brace
Mary Jean Braun
Barry Austin Brissenden
Michael Stephen Brown
Robert Scott Brown
Thomas Nairn Bryson
Robert Bruce Budd
John Leonard Burns
Richard James Buset
Joan Clare Seeley Butler
Mary Elizabeth Byck
Lois Allyson Campbell
Sheldon Noah Caplan
Pellegrino Capone
Donald George Casswell
Timothy Michael Causgrove-Carter
William Charles Chapman
Sandra Chapnik
Lawrence Stephen Chernin
Joseph Paul Chertkow
Arthur James Child
James Robert Christie
Nadine Ethel Clarke
Joseph James Colangelo
Joan Carol Copp
John Francis Coughlin
Jeffrey Gordon Cowan
David Archibald Dash
John Louis Davis
Andrea Barbara de Kenedy
George Vivian Demery
Robert Lawrence DeShield
Patrick James Devine
Susan Gail Dobney
Derek Anthony Julian D'Oliveira
Wanda Mary Dorosz
Beverley Patricia Dowling
James Robert Duffus
James Emerson Dunn
Ann Elizabeth Louise Earle
Margaret Pauline Eberhard
Donald Ross Elver
Orville Richard Endicott
Paul Allen Farberman
Frederick Stephen Fedorsen
Rolf Eric Feige
Lawrence Harvey Fine
Pasquale Anthony Fiorino
Michael Frederic Firestone
Issie Fishman
Shellon Tanis Fitch
Donna Maria Ford
Alexander Smirle Forsyth
Paul Douglas Fox
Alan Jordan Frank
Philip Martin Bogan Friedlan
Annette Friedman
William Valmore Frith
Keith Mitchell Fromm
Stephen Joseph Fuerth
Diana Lynn Fuller
Gordon Alan Fulton
Nicholas Nelson Fur
David Bennett Gallagher
John Brian Gallagher
Alan Joel Garfinkel
Paul Francis Gastaldi
Garth Malcolm Girvan
Lorne Vincent Glass
Christopher Stanley Godfrey
Nancy Lynn Godwin
Evelyn Goldfarb
Donald Peter Graham
Shanon Orla Neth Grauer
Margaret Alice Gray
Steven Joseph Gray
Francis Neil Grise
Avram Hershel Gross
Janet Ellen Gross
Anne Marie Mercedes Gutierrez

Randel Lloyd Hamel
John James Hamilton
Candice Sue Hanson
Stephen Ernest Hartley
William Joseph Hartnett
Bernard Hampton Hawkins
Marian Dingman Hebb
Brenda-Lynn Hebert
Gregory Noel Hemsworth
Maria Angela Henry
Thea Paula Herman
Marjorie Louise Hiley
Susan Gail Himel
Kenneth William Hogg
David Alan Holmes
Peter Druval Howe
Lynne Bernice Huestis
Frank Thomas Leo Hughes
Diana Mary Hunt
Gordon Henry Hunter
Peter Israel
Peter Maxwell Jacobsen
Klaus Nick Jacoby
Faye Wynne McIntosh Janis
David Alan Jarvis
Boleslaw Paul Jasiura
Catherine Anne Jenner
William Seguine Johnson
Suzanne Jane Johnston
Neil Robert Jones
Gary Stuart Joseph
Kenneth Henry Kadonoff
Peter Claude Kalbfleisch
Joyce Ellen Kaplan
Neil Aaron Kaufman
Julian Bernard Keller
Ian Francis Kelly
Mark Lawrence Kerbel
Roey Brian Kert
Peter George Kirby
George Alexander Kirkham
Sheila Kirsh
Robert William Kitchen
Jeffrey Sol Klein
David Anthony Knox
Mark Bryan Koreen
Eva Margaret Krasa
Glenn Douglas Krelove
Elizabeth Kathleen Kuglin-Alyea
Joana Elena Kuras
Barry Allan Kuretzky
Bruce Arthur La Rochelle
Robert Warren Law
Joan Lynn Lax
Pierre Bruno Lebel
David Paul Lee
Terrence Thomas Leon
Roslyn Joan Levine
John Spencer Levy
Gordon Nicholas Lewchuk
Jules Leopold Lewy
Peter Edward James Lingard
James David Linton
Timothy Randolph Lipson
James Harris Lisson
Andrew Gordon Love
Gary William Luhowy
Michael Anne Joan MacDonald
William George MacDonald
Richard Alexander MacKenzie
Bryan John MacKinnon
Robin James MacKnight
Merike Madisso
Peter Arthur Magnus
Diana Margaret Majury
Paul Edward Mallon
Marilyn Pearl March
Malcolm Hugh Martin
Gordon Patrick Maxwell
Murray Edward McGee
Wendy Lynne McGonigal
Ian Jude McLennan
Alan James McMackin
John Gordon McMehen
Marilou McPhedran
Glen Scott Melhuish
Eric Ronald Menchetti
Clarke Austin Merritt
Lucinda Darlene Mifsud
David Peter Miller
Edwin Barry Minden
Paul Minz
Robert Bruce Mitchell
Leslie Howard Mitchnick
Peter John Charles Mogan
Fatima Mohideen
Michael Clifford Morgan
Stephen Richard Morrison
Muriel Carol Moscovich
Donald Thomas Mowat
Margaret Kathryn Munn
Gerard Peter Murphy
Marty Gerard Murphy
Cheryl Ann Murray
Duncan Alan Newport
Brian Patrick Nolan
Hugh Gordon O'Leary
Laurence Michael Olivo
William Kingston Orr
John Ozimac

Michael James Pace
Frank Palmay
Augusto Paul Palombi
Margaret Colleen Parrish
John Marcus Payne
John Charles Pearson
Linda Louise Peckitt-Roszell
Stephen Warren Peglar
Sarah Elizabeth Pepall
Bruce Perreault
Steven Wayne Pettipiere
Brian Paul Philbrook
Gabriel Joseph Piscelli
Sheldon Plener
David Michael Pomer
Mary Anna Porjes
James Robert Lloyd Potts
James Howard Pratt
Michael William Price
Ryszard Wlodzimierz Ellrick Raczkowski
Monty Hilton Raider
Harvey Ram
Bonnie Lee Rawlins
Douglas Owen Reeves
Rebecca Regenstreif
Andrew Peter Reich
Freeman James Reid
Robert Bruce Reid
Steven John Reisler
Katharine Elizabeth Renison
John Alexander Renwick
Peter Alexander Robertson
Felix Rocca
Rosanne Therese Rocchi
Brian Ray Rodenhurst
Fraser Allen Rogers
Kenneth Brian Rohaly
Harold Papineau Rolph
Donald Peter Ross
John Louis Rossi
Sidney Howard Rotberg
Frederika Maria Rotter
Katharine Elizabeth Rounthwaite
Brian James Roy
Karen Esther Rubin
Rocco Salvatore Russo
Colin Michael Rutter
Elisabeth Sachs
Gerald Paul Sadvari
Constantine Samaras
Edward Paul Schein
Johannes Wilhelmus Schel
Mark Alan Scholes
Albert Richard Schrader
Cynthia Rochelle Cooper Sefton
Enus Anthony Seth
Alan Philip Harvey Shanoff
Robert Gerson Shapiro
Robert David Sheaffer
Henry Robert Gray Shields
Donna Sue Kohn Shier
Howard Neal Shuster
Allan Barry Shusterman
Margaret Jane Silver
Douglas Howard Simpson
Isaac Singer
Ryszard Skibinski
James Mark Skipper
Stewart Floyd Sklar
Michael Steven Slan
James Neil Smith
Janet Elizabeth Mary Smith
Ian Gerald Theodore Smits
George Thomas Snowdon
Glenn Richard Solomon
Deborah Jayne Sorffer
Cheryl Ann Starr
Robert Walter Forbes Stephenson
David Gooderham Stinson
Robert John Ross Stinson
Jeffrey Stone
Richard Stephen Angelo Storrey
Susan Barbara Switch
Philip James Sworden
Elizabeth Craig Symes
Susan Gwen Tanner
Robert Charles Taylor
William Edwin Tennyson
Patricia Isabel Thomas
David John Thompson
Donald Andrew Thomson
Wayne Graham Trainer
Jennifer Ann Treloar
Eustachia Jeanne Triantafilopoulos
John Patrick Twohig
Karen Isabel Maybee Twohig
Harley Ulster
Viesturs Roberts Upans
Devon Althea Varep
George Francis Vella
Juraj George Vesely
Edward James Waitzer
Jacob Theunis Walinga
Reagan David Walker
Robert George Watkin
Michael Stewart Fulton Watson
Norman Stewart Watson
Leslie Stuart Wayne
Susan Caroline Wayne
Isabel Martha Weeks

Jeffrey Weinstein
Peter Edward John Wells
Michael Douglas Wennberg
Joan Margaret Harrigan Weppler
Robert Gordon Weppler
Richard Stephen Wernham
Julia Elizabeth Ann West
James Stuart Bothwell Wheeler
Stephen Francis White
Stephen Avrum Whitzman
Ailsa Jane Wiggins
Lloyd Cameron Williams
Paul Thomas Willis
Clinton Bruce Willson
Ann Elizabeth Wilson
Jack Douglas Winberg
David Earle Wires
John Leslie Wolfe
Mitchell Stephen Wolfe
William Raymond Wolski
Paul Shung Gay Wong
Michael Graham Woods
Douglas John Wray
Frances Bonnell Wright
Brian Douglas Wynn
Ted Yao
Wenda Lorraine Yenson
John Stanley Yudelman
Michael Peter Zaduk
Martin Ronald Zaretsky
Dragi Zekavica
Howard Gerald Sheldon Zweig

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

. . . .

CONVOCATION ADJOURNED AT 3:30 P.M.

. . . .

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable W. G. C. Howland, Chief Justice of Ontario, presiding.

Mr. P. B. C. Pepper presented the candidates to the Chief Justice of Ontario, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of Ontario then addressed the new Barristers.

. . . .

At the conclusion of the formal proceedings the new

Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the O'Keefe Centre.

. . . .

Read in Convocation and confirmed 19th May, 1978.

W. GIBSON GRAY	G. D. FINLAYSON
Treasurer at the April Convocation	Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – London, Monday, 17th April, 1978
2:30 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon at the University Club of the Faculty of the University of Western Ontario in Somerville House, London, His Honour Judge G. P. Killeen, County of Middlesex, and Mrs. Killeen; The Honourable W. G. C. Howland, Chief Justice of Ontario; The Honourable Mr. Justice Mayer Lerner of the High Court of Justice of The Supreme Court of Ontario and Mrs. Lerner; The Honourable Mr. Justice John Holland of the High Court of Justice of The Supreme Court of Ontario and Mrs. Holland; Dean David L. Johnston, Faculty of Law, University of Western Ontario; Associate Dean George Stewart, Faculty of Law, University of Windsor; Mr. Samuel Lerner, Q.C., and Mrs. Lerner; Mr. G. W. Collins-Williams, Director of Legal Education; Mrs. E. R. Knox, Assistant Director, Bar Admission Course; and Mr. William R. Buchner, Assistant Director, Bar Admission Course, London, and Mrs. Buchner.

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Following luncheon the Treasurer, the Benchers and their guests proceeded to the Althouse Faculty of Education, University of Western Ontario, for the Call to the Bar Ceremonies of the 90 graduates of the Nineteenth Bar Admission Course who had applied to be called on Monday, 17th April, 1978.

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CONVOCATION RESUMED AT 2:30 P.M.

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PRESENT:

The Treasurer (Mr. W. Gibson Gray) and Messrs. Carnwath, Chadwick, Furlong, Ground, Mrs. Legge, Messrs. Outerbridge, Shepherd, and Mesdames Sutherland and Tait.

The body of the auditorium was occupied by the 90 graduates, their families and friends.

The Treasurer introduced His Honour Judge G. P. Killeen, County of Middlesex, who addressed the graduates.

. . . .

PRESENTATION OF AWARDS AND PRIZES

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards to the Treasurer.

The Treasurer presented the following prizes and scholarship to:

The Giffen, Pensa Prize for the student obtaining the highest marks in London; and The McCarthy Income Tax Prize:

Joseph Robert Kerr

The S.J. Birnbaum, Q.C., Scholarships for Estate Planning:

Third Prize: John Christopher Little (tie)

. . . .

CALL TO THE BAR

Mrs. L. L. Legge, Vice-Chairman of the Admissions Committee, presented to the Treasurer 90 graduates for Call to the Bar as follows:

NINETEENTH BAR ADMISSION COURSE 1977-78

CANDIDATES FOR CALL TO THE BAR ON MONDAY, 17TH APRIL, 1978

Roy Michael Lewis Appel
Karl Arvai
Peter Michael Behr
Thomas Allen Bielby
Ronald Walter Bildfell
Brenda Jean Bowlby
Maureen Ryan Brode
Donald Stewart Bryant
Sally Elizabeth Bryant
Scott Keith Campbell
Barry Raymond Card
James William Carson
Richard William Courtis
Douglas Frank Cousins
Kenneth Vincent Duggan
David James Elliott

Jeffrey Dale Elliott
Elizabeth May Elgie Elstner
Valdemars Erts
Randall Leigh Evans
Joseph Anthony Farina
Robert Arthur John Farmer
Robert David Farrington
Bernard Clarence Fick
Monty Franklin Fordham
Mary Margaret Saliga Fox
Stephen Charles Frost
William John Galloway
Robert Craig Gauld
Rodney Morton Godard
Donald MacKenzie Gordon
George Alan Ross Grant
William Mason Greenaway
Mark Handelman
Paul Franklin Haney
John Wilbert Hart
Maureen Ann Hastings
Doreen Carol Henley
Jennifer Louise Garvie Hewchuk
David John Hewitt
Laurence John Ison
David Edward Jacklin
Edwin Charles Jackson
Charles Frederick Joles
Patrick Leonard John Kelly
Thomas Joseph John Kelly
William Ray Kennedy
Joseph Robert Kerr
Anthony Gabriel Lados
Russell Wayne Leavens
David John Lipson
John MacKenzie Litterick
John Christopher Little
Leonard Gordon Lizmore
Michael Francis Loebach
John David MacGregor
Brian Stephen McCall
Basil Francis McDonald
Warren James McKnight
Frank Arthur Meighlal
Susan Elizabeth Merritt
Gerald Charles Molloy
David Paul Olsen
John Alexander Paton
Raymond Henry Penfold
Jeffrey Mohr Phillips
Douglas William Pratt
Vladimir Andriy Pylypchuk
Peter Joseph Quigley
Gerald Allan Richardson
Margaret Ellen Rintoul
Peter James Rowcliffe
Dean Douglas Russell
Geoffrey Edward Salmon
Grant William Schafer
Kenneth Lee Sherman
Mark Anthony Shields
Joseph Friedel Sommerfreund
Andrew Earl Steepe
Robert Charles Stoddart
Blair Scott Taylor
Graham Edward Taylor
Terry Wayne Thompson
Gerard Thomas Tillmann
Brian Jules Van De Vyvere
Stephen John Wakely
Earl Brian Ward
Roger Douglas West
William Charles Wraight
Dale George Wright

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

. . . .

CONVOCATION ADJOURNED AT 3:30 P.M.

. . . .

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the Althouse Faculty of Education with The Honourable W. G. C. Howland, Chief Justice of Ontario, presiding.

Mrs. L. L. Legge presented the candidates to the Chief Justice of Ontario, before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of Ontario then addressed the new Barristers.

. . . .

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the Althouse Faculty of Education.

. . . .

Read in Convocation and confirmed 19th May, 1978.

W. GIBSON GRAY	G. D. FINLAYSON
Treasurer at the April Convocation	Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – Ottawa, Wednesday, 19th April, 1978
2:30 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon at the Rideau Club in Ottawa The Honourable Wishart F. Spence of the Supreme Court of Canada and Mrs. Spence; The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario; His Honour Chief Judge W. E. C. Colter, County and District Courts of Ontario; His Honour Judge K. H. Fogarty, Judicial District of Ottawa-Carleton, and Mrs. Fogarty; His Honour Judge C. S. Lazier, Judicial District of Hamilton-Wentworth; Mr. Arthur E. M. Maloney, Q.C., The Ombudsman, Ontario; Mr. and Mrs. J. G. Hackland; Mr. P. W. Perras, Q.C., and Mrs. Perras, Mr. J. T. Richard, Q.C., and Mrs. Richard; Mr. Cuthbert Scott, Q.C., and Mrs. Scott; Mr. G. W. Collins-Williams, Director of Legal Education; Mrs. E. R. Knox, Assistant Director, Bar Admission Course; and Mr. J. Patrick Watson, Assistant Director, Bar Admission Course, Ottawa.

. . . .

Following luncheon the Treasurer, the Benchers and their guests proceeded to the National Arts Centre for the Call to the Bar Ceremonies of the 146 graduates of the Nineteenth Bar Admission Course who had applied to be called on Wednesday, 19th April, 1978.

. . . .

CONVOCATION RESUMED AT 2:30 P.M.

. . . .

PRESENT:

The Treasurer (Mr. W. Gibson Gray) and Messrs. Maloney, Brulé, Cass, Chadwick, Fennell, Finlayson, Ogilvie, Orkin, Pepper, Mesdames Sutherland and Tait, and Messrs. Tobias and Willoughby.

The body of the auditorium was occupied by the 146 graduates, their families and friends.

The Treasurer introduced The Honourable Mr. Justice Spence of the Supreme Court of Canada who addressed the graduates.

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PRESENTATION OF AWARDS AND PRIZES

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following prizes and scholarships to:

The Gowling, Henderson Prize for the student obtaining the highest marks in Ottawa:

Gerald Arthur Dust

The Herbert Egerton Harris Advocacy Scholarship; and The International Academy of Trial Lawyers Prize:

Patrick William Perras (tie)

The Arthur Wentworth Roebuck Award for Family Law:

Vivian Jennifer Mackinnon

The S.J. Birnbaum, Q.C., Scholarships for Estate Planning:

Third Prize: Gregory William Anderson (tie)
Linda Anne Seguin (tie)

and congratulated the following who had been given a special appointment:

A Law Clerk to His Honour Chief Judge W. E. C. Colter, Chief Judge of the County and District Courts for the Counties and Districts of Ontario:

David Cameron Stevens

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CALL TO THE BAR

Mr. P. B. C. Pepper, Chairman of the Admissions Committee, presented to the Treasurer 146 candidates for Call to the Bar as follows:

NINETEENTH BAR ADMISSION COURSE 1977-78

CANDIDATES FOR CALL TO THE BAR ON WEDNESDAY, 19TH APRIL, 1978

Gregory William Anderson
William Arthur Roland Andrew
Robert Steven Appel
William Thomas Badcock
Richard Francis Barnhorst
Sherrie Suzanne Barnhorst
Roger Edgar Bellefeuille
Michel Paul Joseph Berthiaume
Peter Jason Bishop
John Frederick Blakney
John Bochnovic
Francis Nicolaas Bongers
Riemer Boomgaardt
Robert Michael Boyer
Natalie Bronstein
Bruce Fairbairn Campbell
Sylvano Angelo Carlesso
Alfred Edward Nevin Caron
Jean-Marc Henri Chenier
Kenneth Leo Clarke
Barth Gordon Curley
Laurie Austin Dakin
Guy Joseph David
Andrew Phillip Davis
Louis Ben Zion Davis
Richard Michael Forbes Delph
William Terrance Denison
William James Scott Devonish
Joseph Francois Luc D'Iorio
David Michael Doherty
Thomas Ernest Dore
Gerald Arthur Dust
David Yehudy Dwoskin
Mary Ellen Fitzgerald
Jacqueline Viau Fitzgibbons
Winston Kenneth Harold Thomas Fogarty
Wing Fong
Mortimer Gerald Freiheit *
Gregory Frink
Victor Carl Gasparitsch
Michael Angus Gerrior
Paul Edward Girard
Raymond Henri Gouin
John Bristol Graham
Shirley Elizabeth Greenberg
Bruce William Griffith
Charles Tupper Hackland
Peter George Hagen
Kenneth Guy Hall
James Dennis Harbic
Denis Ernest Henry
John Andrew Hollander
John Ellis Hopkins
Thomas James Hum
Andrew Konrad Jarzyna
Ross Scott Jolliffe
Gaston Pierre Jorre
Jehuda Julius Kaminer
Lynn Catherine Kaye
Gordon Ervin Kerluke
Timothy David Kerrigan
Stanley Jay Kershman
David Carson Kidd
Neil Morley Kisbee
William Cornelius Kort
Donald Arthur Kubesh
Joseph Normand LaBarre
Pierre Romeo Lamoureux
Terence Edward Land
Pierre Louis Larocque
Henry Joseph Stewart Lavigueur
Robert Douglas Lazier
Marc Pierre LeBel
George William Le Conte
Jacques Osias Leduc
Rickey Todd Leroy
Mark Lawrence Lewis
Robin Douglas MacKay
Vivian Jennifer Mackinnon
Walter Ross MacLean
Bruce Edward MacPhee
John Paul Manley
Wayne Lawrence McDermid
John Hubbard McDonald
Leslie James McDonald
Myron Robin McDonald
Faye Helen McEvoy
Joanna Linda McFadyen

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* Transfer, Quebec

Bruce Norman McKinley
Terrance Joseph McManus
Julia Helen Meyer
Frank Monteleone
Richard James Moore
Alexander Walter Graham Mortlock
Darrell David Munro
Mary Elizabeth Mustard
Weldon Ralph Newton
Wanda Mary Noel
Roger Allen Olson
Ronald Denis Paquette
Jean Charles Paradis
Patrick William Perras
Brian Joseph Peters
Glenis Dawne Peterson
Byron Earnest Pfeiffer
Barry James Poulson
John Robert Power *
Mohan Anand Prabhu **
Charles Jellett Publow
Calvin MacNaughton Johnston Quong
Andrew John Raven
John Russell Read
Roy Carl Reiche
Michael Philip Reid
Joseph Thomas Richard
Robert Earl Robertson
Mark Christopher Ross
Sidney Rothman
Alexander Matheson Sagle
Shirley Eileen Savoia
Glen Francis Schruder
Nikol James Rudolph Christian Schultz
Michael Douglas Scott
Robert George Scott
Stuart Beverley Scott ***
Linda Anne Seguin
Rodney Gordon Sellar
David Patrick Solberg
Robert Ian Steinberg
David Cameron Stevens
Ian Christopher Szlazak
Marcel Rene Joseph Theroux
David Bruce Thomas
Francine Lorraine Titley
Michael Alton Turner
William Mark Wallace
Lee Edward Ward
Robert Keith Ward
Stephen Howard Waxman
John Bernard West
Robert Keith Wilkins
Ronald Guy Willis
Ronald Stewart Wilson
Aron Wohl
Peter Charles William Woodwark
Richard Brown Young

* Transfer, New Brunswick
** Transfer, Saskatchewan
*** Readmission

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

. . . .

CONVOCATION ROSE AT 3:30 P.M.

. . . .

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the National Arts Centre with The Honourable G. T. Evans, Chief Justice of the High Court of Justice for Ontario, presiding.

Mr. P. B. C. Pepper presented the candidates to the Chief Justice of the High Court before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

. . . .

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the National Arts Centre.

. . . .

Read in Convocation and confirmed 19th May, 1978.

W. GIBSON GRAY
Treasurer at the
April Convocation

G. D. FINLAYSON
Treasurer

THE PROPERTY OF
THE LAW SOCIETY

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 21st April, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. W. Gibson Gray) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carrier, Carter, Cass, Chadwick, Chappell, Cooper, Farquharson, Fennell, Finlayson, Furlong, Goodman, R. J. S. Gray, Ground, Henderson, Humphrey, Kellock, Mrs. Legge, Messrs. O'Brien, Ogilvie, Orkin, Outerbridge, Pallett, Pepper, Pomerant, Ruby, Seagram, Sheard, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, White, Willoughby and Zahoruk.

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MINUTES

The Minutes of Convocation of 17th March, 1978 were read and confirmed.

. . . .

MR. JOHN GLEN

On behalf of the Benchers the Treasurer presented a gold watch to Mr. *John Glen* and thanked him for his long service to the Society as Building Superintendent. Mr. Glen recently retired but will continue to serve the Society as its Steward.

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APPOINTMENTS TO STANDING COMMITTEES

It was moved, seconded and *carried* that Mr. *Mark M. Orkin* be appointed a member of each of the following Committees: Legal Education, Professional Conduct, Legislation and Rules.

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Carnwath presented the Report of the Legal Aid Committee of its meeting on Tuesday, 11th April, 1978.

The following members were present: Mr. J. D. Carnwath in the Chair, and Messrs. Barnes, Chadwick, Father Courtemanche, Messrs. Ellis, Ferrier, Mrs. Fleming, Mr. Harris, Mrs. Jarmain, Messrs. Lamb, McLean, Michon, Ogilvie, Ruby, Russell, Mrs. Smyth, Mr. Whealy.

Sidney Linden, solicitor, Toronto, was also in attendance as an observer from the Criminal Lawyers Association.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the eleven month period ended February 28, 1978, shows that payments from the Legal Aid Fund were less than budget by $377,000. Of this total $170,000 represents under-expenditure of designated Community Clinic funds. The remaining $207,000 is accounted for as follows:

Under budget	$	$
Criminal certificates accounts	288,000	
Duty Counsel payments	48,000	
Northern Ontario pilot project	115,000	
Salaried Duty Counsel project	16,000	
Area Office costs	123,000	
Provincial Office costs	157,000	747,000
Over budget		
Civil certificate accounts	503,000	
Legal Advice certificate accounts	37,000	540,000
Net under budget		207,000

Income from sources other than the Province of Ontario was less than budget by $5,000 as follows:

Under budget		
The Law Foundation		140,000
Over budget		
Client contributions	68,000	
Costs recovered	57,000	
Miscellaneous income	10,000	135,000
Net under budget		5,000

As at February 28, 1978, the balance in the Fund stood at $245,000.

Statistics

The following table compares reported activity for the first eleven months of this fiscal year with the activity for the same period in the previous fiscal year.

	11 months ended		*% Change from*
	Feb. 28, 1978	*Feb. 28, 1977*	*last year*
Informal applications	87,463	87,105	– 0.4
Applications for certificates	95,709	93,061	+ 2.8
Refusals	31,456	28,924	+ 8.7
As a percentage of applications	31.2	31.1	
Certificates issued	69,461	69,542	– 0.1
Persons assisted by Duty Counsel:			
Fee for service	130,801	146,171	
Salaried Duty Counsel	24,298	–	
Total	155,099	146,171	+ 6.1

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	11 months ended February 28, 1978		*11 months ended February 28, 1977*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	183,172	100.0	180,166	100.0
Advice and referral (Informal applications)	87,463	47.7	87,105	48.3

	11 months ended February 28, 1978 No.	%	11 months ended February 28, 1977 No.	%
Brought forward	87,463	47.7	87,105	48.3
Certificates issued	69,461	37.9	69,542	38.6
Unassisted persons	26,248	14.4	23,519	13.1
	183,172	100.0	180,166	100.0

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1977/78 Fiscal Year		*1976/77 Fiscal Year*	
	Month of March 1978	*12 Months to March 1978*	*Month of March 1977*	*12 Months to March 1977*
Accounts on hand at beginning	5809	4657	6058	5087
Accounts received	5780	62510	6307	64556
Total Accounts to be processed	11589	67167	12365	69643
Less: Files Cancelled	236	675	314	717
Accounts processed	5337	60476	7394	64269
Balance	6016	6016	4657	4657

Reviews

	March 1978	*12 Months to March 31/78*	*12 Months to March 31/77*
Reviews on hand	308		
Reviews received in	158	1264	1378
	466		
Settlements reviewed	120	1241	1116
Settlements awaiting review	328		
Settlements awaiting further information	18		
	466		

Appeals

	January	*February*	*March*
Appeals to Taxing Master received during	1	–	–
Appeals heard by Taxing Master	1	–	–
Appeals pending at the end of the month	1	1	1
Appeals abandoned	–	–	–

CLINICAL FUNDING COMMITTEE

(a) re: People and Law

The Clinical Funding Committee makes recommendations to the Director regarding the funding of independent community based clinical delivery systems. Any recommendation approved by the Director *must* in turn have the approval of Convocation. At the present time it is not necessary to obtain the approval of the Legal Aid Committee.

On March 17th Convocation adopted the report of the Clinical Funding Committee but deleted from the said report the recommendation with respect to People and Law. The Clinical Funding Committee refused to approve the application of People and Law for funding for the fiscal year 1978–79.

David Cornfield, solicitor, a staff member of People and Law, had written to Mr. W. Gibson Gray, Treasurer, on March 10th, 1978, expressing concerns relating to the disposition of the said application by the Clinical Funding Committee. Convocation at its said March meeting directed that the item referring to People and Law be referred to the Legal Aid Committee.

Under the Regulation there is no appeal procedure from the Clinical Funding Committee's decisions. The Director, therefore, wrote to Mr. Cornfield and advised him that the Legal Aid Committee was prepared to consider the adequacy and fairness with which the Clinical Funding Committee dealt with People and Law applications dated January 30th and February 6th, 1978.

At the Legal Aid Committee meeting on April 11th, the

Committee discussed in depth Convocation's direction. The Committee met with the Clinical Funding Committee and representatives from People and Law to determine how to comply with the request of Convocation. As a result of lengthy deliberation the Committee approved the following motion:

> "THAT the Legal Aid Committee meet with People and Law and the Clinical Funding Committee on Wednesday, April 26th, at 10 a.m. to consider the adequacy and fairness of the decision of the Clinical Funding Committee in its consideration of the application of People and Law for funding for the fiscal year 1978–79.
>
> AND THAT the Legal Aid Committee ask the Clinical Funding Committee to consider interim funding to People and Law until that date, from the first day of April, 1978."

It was moved in Convocation and seconded,

THAT the Legal Aid Committee meet with *People and Law* and the Clinical Funding Committee on Wednesday, April 26th, at 10 a.m. to consider the decision of the Clinical Funding Committee in its consideration of the Application of *People and Law* for funding for the fiscal year 1978–79.

AND THAT the Legal Aid Committee ask the Clinical Funding Committee to consider interim funding to *People and Law* until that date, from the first day of April, 1978.

It was further moved in Convocation, but not seconded,

THAT the Legal Aid Committee meet with *People and Law* and the Clinical Funding Committee on Wednesday, April 26th, at 10 a.m. to consider the proceedings of the Clinical Funding Committee in its consideration of the application of *People and Law* for funding for the fiscal year 1978-79.

AND THAT the Legal Aid Committee ask the Clinical Funding Committee to consider interim funding to *People and Law* until that date, from the first day of April, 1978.

The first motion was *carried.*

There being no seconder, the second motion was *not put.*

(b) Report – Director's Recommendation

On April 4, 1978, the Clinical Funding Committee submitted a report to the Director recommending to the Director, and subject to the approval of Convocation, funding for various projects.

The Director recommended to Convocation that the report of the Clinical Funding Committee dated April 4th, 1978, be adopted.

The following is a summary of the applications considered subsequent to the report to Convocation dated March 2, 1978, and the amounts of funding recommended for the fiscal period 1978/79:

	Applicant	*Amount*
1.	Preventive Law Program, University of Ottawa, Faculty of Law, Ottawa	$14,295
2.	New Welfare Action Centre, Rexdale	31,702
3.	Toronto Community Law Program, Toronto	104,930
4.	Legal Assistance of Windsor, Windsor	160,952
5.	Metro Tenants Legal Services, Toronto	97,750
6.	Neighbourhood Legal Services, Toronto	122,852

7.	Strathcona Community Centre, Hamilton	56,004
8.	London Legal Clinic, London	90,526
9.	Parkdale Community Legal Services, Toronto	365,354
10.	Riverdale Socio-Legal Services, Toronto	74,530
11.	Rexdale Community Information Directory, Rexdale	24,480
12.	Canadian Environmental Law Association, Toronto	113,175
13.	Halton Hills Community Legal Clinic, Georgetown	43,194
14.	Rural Legal Services, c/o Faculty of Law, Queen's University, Kingston	15,975
15.	COSTI, Toronto	9,000
16.	Thunder Bay Native Legal Counselling Services, c/o Ontario Native Council on Justice, Toronto	147,232

*All of the above recommended funding levels are subject to the Attorney General's approval of designated funding in the appropriate amounts for clinics for 1978/79.

Minor adjustments to funding approved by Convocation on 17th March, 1978 were also recommended as follows:

(a) Benefits Allocation **Amount – $10,616**

An adjustment was made in the benefits allocation for all clinics. The sum requested will be distributed across those clinics for which Convocation approved funding on 17th March, 1978. The sum represents an increase of 2% in the stipulated benefit level.

(b) Applicant	Allocation	Amount
Tenant Hotline	Staff salary increase	$ 2,940
Industrial Accident Victims Group	Staff salary increase	3,234
McQuesten Legal and Community Services	Rental of duplicating equipment	1,465

It was moved in Convocation and seconded that no action be taken with respect to the application of *Parkdale Community Legal Services.*

It was moved and seconded that the question of the application of *Parkdale Community Legal Services* be tabled to afford the Board of Governors of Parkdale Community Legal Services an opportunity to make submissions to Convocation.

It was moved, seconded and *carried* that the Legal Aid Committee meet with the Governors of *Parkdale Community Legal Services* to discuss whether solicitors, paralegals and community workers employed by clinics generally should be compensated at a scale comparable to persons doing similar work in the employ of government.

The second motion was *withdrawn.*

The first motion was *not put.*

STEERING COMMITTEE

The Chairman appointed a Steering Committee on the recommendation of the Legal Aid Committee. The function of the Committee will be to formulate the general direction which in its view the Legal Aid Plan should take in the future.

The Chairman appointed the following Committee members: Messrs. Wallace (Chairman), Carnwath (Vice-Chairman), Ruby, Mrs. Fleming, Messrs. Whealy and Jones.

APPOINTMENT OF AREA DIRECTOR

Harold W. Webster, solicitor, Area Director, Lennox and Addington Counties, tendered his resignation as an Area Director.

The Director and Deputy Director met with the President and members of the local Law Association and recommended to the Legal Aid Committee that J. K. Pearce, Q.C., Napanee, be appointed Area Director on a one year renewable basis.

The Committee approved the appointment.

AREA COMMITTEES

Section 4 (1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

Waterloo County

Mrs. Hildegard Marsden, Dean of Women, University of Waterloo.
E. S. Hafemann, solicitor, Waterloo.
W. D. Watson, solicitor, Kitchener.

Dufferin County

Peter Parkinson, solicitor, Orangeville.

York County

Philip Epstein, solicitor, Toronto.
Frank G. Felkai, solicitor, Toronto.
Mrs. Thelma Rosen, researcher and writer, Toronto.
Emile Kruzick, solicitor, Toronto.
Ellen Campbell, Assistant Director, Y.W.C.A., Toronto.
Jeanette De Livy, court worker, Toronto.
Charles Houston, John Howard Society, Toronto.
Tony Doob, Professor of Psychology, Toronto.
David Cole, solicitor, Toronto.
David Maubach, solicitor, Toronto.
Brian Brock, solicitor, Toronto.

Ronald Cohen, solicitor, Toronto.
Simon Zuker, solicitor, Toronto.

THE REPORT AS AMENDED WAS ADOPTED

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CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation and was called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Donald Lyle Nundal

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FINANCE COMMITTEE–Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Finance Committee of its meeting on Wednesday, 12th April, 1978.

The following members were present: Messrs. Pallett (Chairman), Brulé (Vice-Chairman), Fennell, Ground, Ogilvie, Pepper and Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to Judicial Office and their membership in the Society will be placed in abeyance upon their assuming office:

Robert Joseph Arthur Cusson, Hawkesbury	Called – 12 April 1962 Appointed County Court Judge, Counties of Prescott and Russell – 3 March 1978
Robert Ernest Maranger, Sudbury	Called – 25 June 1959 Appointed District Judge, District of Cochrane – 3 March 1978

Barton Basil Trembley, Q.C., Thunder Bay	Called – 21 June 1951 Appointed District Court Judge, District of Rainy River – 3 March 1978
Charles James Newton, Q.C., Perth	Called – 29 June 1948 Appointed County Court Judge, Counties of Leeds and Grenville – 3 March 1978
Walter Peter Hryciuk, Q.C., Toronto	Called – 19 April 1963 Appointed Provincial Judge, Criminal Division, County of York – 15 March 1978
George Tucker Walsh, Q.C., Toronto	Called – 29 June 1950 Appointed Judge, Supreme Court of Ontario, High Court of Justice for Ontario – 3 March 1978

Deaths

The following members have died:

Theodore Humeniuk, Q.C. Toronto (Life Member)	Called – 13 September 1923 Deceased – 3 March 1978
James Whitney, Q.C. Hamilton	Called – 24 June 1954 Deceased – 6 February 1978
Bruce John Michael Lorenz Toronto	Called – 21 March 1969 Deceased – 20 March 1978
John Augustus Wright Toronto	Called – 7 April 1961 Deceased – 19 March 1978
Trevor Edwin Clarke Campbellford	Called – 29 June 1950 Deceased – 3 February 1978
John William Joseph Moroso, Grimsby	Called – 23 March 1973 Deceased – 14 March 1978
Thomas Thomson, Q.C. Toronto	Called – 20 November 1941 Deceased – 23 March 1978

Disbarment

The following former member has been disbarred and struck off the Rolls and his name has been removed from the Rolls and Records of the Society:

Andrew Oryschak, Toronto	Called – 17 June 1943 Disbarred – Convocation 17 March 1978

Noted

MEMBERSHIP UNDER RULE 50 – RETIRED MEMBERS

Carl Way Caskey, Q.C., of Toronto, who is sixty-five years of age and over and who is fully retired from the practice of law and other employment, requested permission to continue his membership in the Society at a reduced annual fee of $25.

Approved

Harold Alexander McLearn, Q.C., of Ottawa, who is sixty-five years of age and over and who is fully retired from the practice of law and other employment, requested permission to continue his membership in the Society at a reduced annual fee of $25.

Approved

William George Brown of Dundas, who is sixty-five years of age and over requested that he continue his membership under Rule 50 – Retired Members, but did not file the required form. The Committee was asked to approve his request subject to receipt of a satisfactory declaration respecting his retirement.

Approved, subject to his filing a satisfactory declaration.

REFUND OF ANNUAL FEES

Eric Richard Lovekin was appointed to the Bench on 24 December, 1977. Prior to that, annual fees in the amount of $245 had been paid. He applied for a refund of the fees paid.

Approved

CHANGE OF NAME

Mary Ann Griffiths, a solicitor who plans to commence practising law in Ontario in May, 1978, requested that her name be changed on the Rolls of the Society to Mary Ann *Gerhart*, her married name.

Steve Joseph Stefanko, a solicitor practising in London, requested that his name be changed on the Rolls of the Society to *Steven* Joseph Stefanko.

Mary Gale Bullas, a solicitor practising in Kitchener, rquested that her name be changed on the Rolls of the Society to Mary Gale Bullas *Trapp,* thus including her married name.

Barry Hugh Mishevski, a student member who is being called to the Bar on 13 April, 1978, requested that his name be changed on the Rolls of the Society to Barry Hugh *Michaels.* His petition and a copy of an Order of His Honour Judge Trotter dated 9 March, 1978, were before the Committee.

Approved

ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

Under Section 36 of The Law Society Act, if a member fails to pay any fee or levy payable by him to the Society within four months of the date on which payment is due, he is liable to suspension for non-payment. The Errors and Omissions Insurance Levy was due on 1st January, 1978. Notice of Levy due was mailed to the profession on 19 December, 1977. A reminder notice was sent on 23 March, 1978, to those members in arrears at that time.

The Committee recommended that those members who were still in arrears be advised that the Committee will recommend to Convocation on 21 April, 1978, that if their levies were still unpaid by 1 May, their rights and privileges would be suspended on 1 May, 1978, for a period of one year and from year to year thereafter or until their arrears of fees have been paid.

SUSPENDED MEMBERS

The Committee recommended that a list of all members who on 1 May, 1978, have been suspended under Section 36 be circulated to the profession by publication in the Ontario Reports or otherwise forthwith after the list is approved at the regular Convocation in May, 1978.

APPOINTMENT OF SALARIES SUB–COMMITTEE

The Committee appointed a Salaries Sub-Committee for 1978 consisting of Messrs. Pallett (Chairman), Pepper, Ground and Brulé.

COUNSEL'S ACCOUNT

Du Vernet, Carruthers have submitted their account in the amount of $149.87 in connection with *The Law Society of Upper Canada ats Voratovic.*

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing law associations which had sent in their Annual Returns for 1977 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1977 and 1978. The Libraries and Reporting Committee approved these grants at its meeting on 12th April, 1978, subject to the approval of this Committee.

Approved

THE REPORT WAS ADOPTED

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MOTION TO SUSPEND: ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

It was moved, seconded and *carried* that those Barristers and Solicitors who have failed to pay the levy prescribed under Section 53 of The Law Society Act within the period specified be suspended from 1st May, 1978, until their levies are paid or until applications for exemption from coverage are approved.

Of the 168 members whose names were before Convocation on 21st April, 1978, 49 were suspended as of 1st May, 1978. Of these 37 were subsequently reinstated. The following are still suspended:

Robert Webster Andres	Listowel
David Allan Shaw Brooks	Toronto
Terrence Fleming Flahiff	Montreal, Quebec
James Benjamin Haslam	Bolton, England
Rudolf Robert Henauer	Don Mills
Thomas Francis Hinch	Toronto
Theodore Rowan Joseph	Toronto
John McCaughan Monk	Ottawa
William Thomas Morrison	Midland
Robert James Murphy	Scarborough
Richard Lafayette Pickett	Milton
Joel Sheldon-Zangwill Wagman, Q.C.	Toronto

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DISCIPLINE COMMITTEE–Mr. Lochead

GENERAL

Mr. J. D. Carnwath, Vice-Chairman, presented the Report of the Policy Section of the Discipline Committee of its meeting on Wednesday, 12th April, 1978.

The following members were present: Messrs. Lochead (Chairman), Carnwath (Vice-Chairman), Cass, Furlong, Ruby, Mrs. Sutherland and Mr. Willoughby.

1. CREDIT UNIONS AND CAISSES POPULAIRES

A member of the profession asked whether the Society has any objection to his firm opening a trust account with a local credit union. The Committee noted that in 1968 the Professional Conduct Committee had considered the same question. In its Report to Convocation that Committee expressed the opinion that credit unions and caisses populaires were not suitable repositories for trust funds. In coming to this conclusion it was noted that each of these organizations was an autonomous unit operating exclusively for the benefit of its members who alone subscribed the share capital. They accepted savings in the form of shares and deposits from, and made loans to, only their members. It was also noted that profits were returned to the members as dividends and/or interest rebates in accordance with co-operative principles. Investments in credit unions were not at that time covered by deposit insurance. In 1976 The Credit Unions and Caisses Populaires Act, R.S.O. 1970, c. 62, was passed. Under this Act there has been created the Ontario Share and Deposit Insurance Corporation. All credit unions and caisses populaires incorporated in Ontario are members of this corporation. They are therefore now insured with respect to their depositors in amounts the same as for banks, loan and trust corporations, namely, $20,000.

A majority of the Committee was of the view that credit unions and caisses populaires are still not proper repositories for trust funds. There was a minority view expressed that there should not be this general rejection but rather individual credit unions should be considered on their own peculiar set of circumstances to determine whether or not they would be acceptable repositories.

2. The Committee considered other matters and issued the appropriate instructions.

With respect to item 1 *(Credit Unions and Caisses Populaires)* Convocation accepted the view of the majority of the Committee which does not recommend a change in Regulation 18.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. Carnwath presented the Compensation Fund Summary for the period ended 31st March, 1978.

COMPENSATION FUND

For the Period from 1st July, 1977 to 31st March, 1978

(9 months)

TOTAL RECEIPTS	$ 332,811.72
TOTAL DISBURSEMENTS	$ 80,303.66
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 252,508.06
BALANCE OF FUND at beginning of period	$1,360,674.79
BALANCE OF FUND at end of period	$1,613,182.85

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 31st March, 1978	$3,381,853.38
TOTAL PAID to 31st March, 1978 from the commencement of the Fund on account of 1,011 claims of 112 former solicitors	$4,102,342.29

THE SUMMARY WAS RECEIVED

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Re: HENRY ROBERT SHEPPARD, Kingston

Mr. J. D. Carnwath, Vice-Chairman, placed the matter before Convocation.

The following Benchers withdrew from Convocation: Messrs. Carter, Cass, Ogilvie, Seagram and Willoughby.

The reporter was sworn.

The solicitor attended with his counsel, Mr. Victor Paisley. The Society was represented by Mr. Eric Murray, Q.C.

The affidavit of Brian Ross Fraser dated 7th April, 1978, was filed in proof of service of the Decision of the Discipline Committee dated 6th April, 1978.

The solicitor accepted the Decision of the Discipline Committee wherein he was found guilty of professional misconduct and waived the reading of the Decision. The Committee found that the solicitor had subscribed his name as a witness on a mortgage document though he had not seen one of the mortgagors sign it and that he then swore the usual affidavit without knowing that the signature had been forged.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee dated 6th April, 1978, wherein the solicitor was found guilty of professional misconduct be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision had been accepted. Counsel for the solicitor stated that the solicitor was content with the penalty recommended by the Committee, i.e., reprimand in Convocation.

The solicitor, counsel and the reporter withdrew.

The Recommendation as to Penalty of the Discipline Committee dated 6th April, 1978, was placed before Convocation.

The Committee recommended that the Solicitor be reprimanded in Convocation.

It was moved and seconded that the solicitor be reprimanded in Convocation and required to pay the expenses of the Society's investigation respecting his practice in the amount of $3,282.90.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that the solicitor's rights and privileges be suspended for a period of thirty days from the date of the Order of Convocation and that he be required to pay the expenses of the Society's investigation respecting his practice in the amount of $3,282.90.

It was moved and seconded that the recommendation of the Discipline Committee that heard the matter, namely, that the solicitor be reprimanded in Convocation, be adopted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions respecting penalty and that an adjournment might be requested because some of the penalties moved were more severe than the penalty recommended by the Discipline Committee.

The solicitor and counsel were given time to consider and then counsel for the solicitor advised Convocation that they were prepared to proceed forthwith.

Counsel for the solicitor made submissions respecting penalty.

Counsel for the Society made submissions.

The solicitor, counsel and the reporter withdrew.

The motion that the solicitor be disbarred was *withdrawn.*

The motion that the recommendation of the Discipline Committee as to penalty be adopted was *carried.*

The motion that the solicitor be reprimanded in Convocation and required to pay the Society's expenses was *not put.*

The motion that the solicitor be suspended for a period of thirty days and required to pay the Society's expenses was *not put.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion which was passed and the solicitor was advised of his right of appeal. The solicitor waived his right of appeal and requested that the reprimand be carried out forthwith.

Counsel and the reporter withdrew.

The solicitor was reprimanded by the Treasurer.

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

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The Treasurer and Benchers had as their guests for luncheon Mr. Lee K. Ferrier, Q.C., and Mr. W. L. N. Somerville, Q.C.

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CONVOCATION RESUMED AT 2:20 P.M.,
A QUORUM BEING PRESENT

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PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. A. M. Cooper, Chairman, presented the Report of the Professional conduct Committee of its meeting on Wednesday, 12th April, 1978.

The following members were present: Messrs. Fennell (Acting Chairman), Carnwath, Lochead, Strauss, Mrs. Sutherland and Mr. Tobias.

1. Mr. X a member of the Society asked the Committee whether it is proper for his firm name to be "X and Partners". The Secretary was instructed to advise that provided that there are at least two other partners whose names do not appear in the firm name it would not be improper so to do.

2. A student member who is being Called to the Bar on April 13th, advised that he and his partner will be establishing their practice in an ethnic area. Since his partner speaks Spanish as well as English they wished to have a sign with the words "Spanish Spoken Here" or something of a similar nature, in addition to the wording permitted under Ruling 10. The Committee was of the view that it would be in order to have on the sign "Barristers and Solicitors" in Spanish. However, the Committee was of the opinion that the other wording would be too commercial and therefore objectionable.

3. Other matters came before the Committee and the appropriate instructions were issued.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Wednesday, 12th April, 1978.

The following members were present: Messrs. Seagram (Chairman), Rogers, Salhany, Strauss, Mrs. Tait, and Mr. Willoughby, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The following donations were received by the Great Library:

Bruce Lewis, Barrister and Solicitor, Toronto	A total of 43 volumes of Canadian Tax Foundation publications and 73 loose parts of these and of the Canadian Bar Review
The Estate of Marjorie E. Scott, Willowdale	Encyclopaedia Britannica Chicago, Benton, 1972, 24 vols.

Noted

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

COUNTY LAW LIBRARIES

INSURANCE – COUNTY LAW LIBRARIES

Mr. M. Dale of Tuckett-Little Insurance Ltd. attended the meeting and answered questions concerning his proposal for a blanket insurance policy to cover all County and District Law Libraries. The Committee recommended that a letter be sent to each County and District Law Library asking the following questions:

(a) The premium presently being paid by each library for insurance.

(b) The coverage which is included in the insurance policy.

(c) The basis of the valuation of the books.

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1977. The amounts of the grants to which they are entitled under the Regulation in 1977 and 1978 are as follows:

	1977	*1978*
Haldimand	$ 795.00	$ 760.00
Huron	1,110.00	1,180.00
Norfolk	1,685.00	1,155.00
Northumberland	1,536.00	1,740.00
Oxford	2,000.00	2,000.00
Rainy River	750.00	750.00
Temiskaming	750.00	830.00
York	3,500.00	3,500.00

Approved, subject to the approval of the Finance Committee.

BARRISTERS' LIBRARY – 145 QUEEN STREET WEST

The Secretary reported that Convocation had tabled the recommendation of the Committee which was to purchase the air conditioner-dehumidifier to be installed at the above library. The Secretary was instructed to find out from Mr. Heeney the cost of installation as outlined in the letter from the Ministry of Government Services and also to find out the cost of alternatives.

Noted

TELEPHONES IN COURT HOUSES

The Secretary reported that he had received a letter from a solicitor requesting that the Society should review the possibility of having free telephones available for barristers and solicitors at Osgoode Hall and at court houses throughout the province. The Committee recommended that each County and District should look after its own arrangements for free telephone service.

REPORTING

DATABASE – ONTARIO REPORTS

The Secretary reported that he had received a request from Alan Marks, Executive Editor of Canada Law Book Limited, that the Law Society consent to Canada Law Book putting some cases (mostly practice cases) from the Ontario Reports into machine-readable form to be included in Canada Law Book Limited's database. The Committee recommended that this matter be referred to the Sub-Committee on Law Reporting.

SUB–COMMITTEE ON LAW REPORTING – BLUE PAGES

The Secretary reported that this matter had been tabled at the March meeting. The Committee recommended that the Blue Pages not be revived.

It was moved in Convocation, seconded and *carried* that the Committee be asked to consider and report back to Convocation on a method to make the "Blue Pages" available to the profession on a subscription basis at cost.

THE REPORT AS AMENDED WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. J. G. M. White, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Wednesday, 12th April, 1978.

The following members were present: Messrs. Tobias (Vice-Chairman), Cass, Furlong, Mrs. Legge, Messrs. Pomerant, Seagram and Strauss.

1. An account from counsel for disbursements was approved.

2. The Secretary submitted a newspaper article which had appeared in the Toronto Star on March 21st, 1978, which indicated that a British Columbia solicitor was offering a Do-It-Yourself Divorce Kit to residents of Ontario. The Secretary was instructed to write to the Law Society of British Columbia enclosing a copy of the newspaper article and asking for information concerning his activities and the views of the British Columbia Law Society towards those activities.

THE REPORT WAS RECEIVED

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PUBLIC RELATIONS COMMITTEE–Mr. Wallace

Mrs. R. M. Tait presented the Report of the Public Relations Committee of its meeting on Wednesday, 12th April, 1978.

The following members were present: Messrs. Willoughby (Vice-Chairman acting as Chairman), Lochead, Tobias and Mrs. Tait.

MARY SCHNEIDER PRINTS

The Committee authorized the printing of 1,000 sets of the four Mary Schneider prints and for their sale to the profession at $25 per set. The total outlay was $9,330.98 and 388 sets have been sold for a total of $9,700. It was suggested that the profession be given a further opportunity to purchase sets in the autumn and that a further brochure incorporating an order form be distributed in September.

The Committee recommended that the brochure be re-issued.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Wednesday, 12th April, 1978.

The following members were present: Messrs. Pepper (Chairman), Cass and Willoughby.

APPLICATIONS

Two applications for grants were before the Committee. One application was deferred for consideration by the Committee at its May meeting.

The Committee recommended that a grant be made to the second applicant and directed that further information be requested.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

Mrs. L. L. Legge presented the Report of the Special Committee on Errors and Omissions Insurance of its meeting on Wednesday, 12th April, 1978.

The following members were present: Messrs. Carthy (Chairman), Lochead and Mrs. Legge. Messrs. Stinton and Doner were present at the Chairman's request.

MONTHLY REPORT

Mr. Stinton's Monthly report was before the Committee.

Noted

PATENT AGENTS

A memorandum from Mr. Stinton and a letter from Mr. Henderson were before the Committee respecting the coverage under the Society's Plan for members who are also patent agents and attorneys. This matter was stood over from the February meeting.

The Committee recommended that no action be taken.

DISTRIBUTION OF E. & O. BULLETIN

It was suggested that the Bulletin which is now sent only to those covered by the insurance plan should be sent as well to the rest of the members of the Society. The distribution is presently 8,948 at a cost of $1,959.82. The cost of sending the Bulletin to all members would be approximately $2,479.50 which would be an additional $519.68 per issue.

The Committee recommended that the Bulletin be distributed to all members.

REPEATERS

A list was before the Committee of those who had more than one claim in 1977. It showed whether they had claims in earlier years as well as whether they have had claims so far this year.

The Chairman of the Committee will confer with the Chairman of the Discipline Committee to determine those who warrant disciplinary action.

SUBROGATION

A letter from Mr. Maltman was before the Committee concerning the question of the pro-rating of recoveries under the Lloyd's policy and under the present policy.

The Committee recommended that no action be taken.

DIFFERENTIAL LEVIES

A letter from Mr. Steven Piper of Crown Life Insurance Company was before the Committee suggesting that the levy for coverage be varied based upon the type of law a member carries on and in respect of real estate based on the value of the land being conveyed.

The Committee recommended that no action be taken.

EXCESS INSURANCE

It was suggested that the Society negotiate for excess insurance on the basis of group coverage. Correspondence was before the Committee from Mr. Ground.

Noted

DIFFERENTIAL DEDUCTIBLES

The Committee was asked to consider whether differential deductibles should apply depending on the cause of loss, for example, a higher deductible where the loss has resulted from a missed limitation. Alternatively, or in addition, deductibles might increase on a point system basis, for example, where ten points have been accumulated in two years, awarding one point for reporting and five points for a claim paid. These and other approaches were referred to in a letter from the Chairman which was before the Committee.

The Committee recommended that no action be taken.

SENATOR CROLL

Senator Croll's name appears on the letterhead of Croll & Godfrey both in the firm name and in the list of the partners of the firm. He has been required to pay the Errors and Omissions insurance levy on the ground that he can be civilly responsible for the negligence of his partners. A letter from Senator Croll was before the Committee objecting to paying the levy.

The Committee recommended that Senator Croll be advised that he must maintain his coverage because his name appears on his firm's letterhead as a partner in the firm.

QUARTERLY REPORTS

Quarterly reports re Closed Claims at March 31st, 1978, for the 1977 Fund and the 1978 Fund were before the Committee.

Noted

FULL–TIME DUTY COUNSEL – LEGAL AID

A letter from D. J. Dore for a review of his application for exemption was before the Committee for consideration.

The Committee recommended that full-time Duty Counsel must be covered because of the solicitor-client relationship that exists between Duty Counsel and the person receiving advice.

THE REPORT WAS ADOPTED

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REPORT OF SUB–COMMITTEE (ADMISSIONS COMMITTEE) ON REGULATION 4

Mr. P. B. C. Pepper, Chairman of the Admissions Committee, presented the Report of the Sub-Committee on Regulation 4, which was approved by the Admissions Committee in its Report to the Special Convocation on Thursday, 13th April, 1978, when Convocation directed that the Sub-Committee's Report stand for consideration at the Regular April Convocation.

REPORT OF THE SUB–COMMITTEE TO CONSIDER REGULATION 4

In January 1977, a Sub-Committee of the Admissions Committee was struck to consider the propriety of permitting direct transfer applicants, particularly those from Quebec proceeding under Regulation 4(2), to take the teaching portion of the Bar Admission Course in lieu of writing the examinations required by the Regulation. Subsequently a further Sub-Committee was established with a mandate to consider the whole of Regulation 4.

The Sub-Committee saw several distinct issues:

1. Is there any place for the existence of a direct transfer mechanism at all? The source of the greatest concern is the political situation in Quebec.
2. Transferability to the Bar of Ontario assumes that a comparable privilege is available to a member of the Bar of Ontario. Is there, in fact, reciprocity in these matters?
3. Are the examinations required under Regulation 4 fair to the

applicants and adequate for the protection of the public?

With respect to No. 1 above, the real cause for concern is the vision of large numbers of lawyers from Quebec arriving under the transfer rules and competing for business with the existing Bar. A policy that makes it impossible for fellow citizens from other regions to engage in a calling for which they are qualified, becomes a form of internal immigration law and is inherently divisive of the national fabric. Such a policy must inevitably appear to be motivated simply by selfish interest.

The Sub-Committee suspected that ultimately the issue before it is whether the economic consequences to the Bar of Ontario of the numbers problem outweigh the consequences of contributing to the further divisiveness in Canada.

The Sub-Committee would answer the question in the negative and cannot recommend abolition nor any substantial restrictive alteration of the transfer mechanism at this time.

The Sub-Committee considered the possibility of establishing some sort of quota with respect to the numbers of transfers permitted in a given year but perceived such a scheme as being in conflict with the public purposes for which the Society has been given the power to control admission to the practice of law.

Another possibility discussed was to establish some sort of "residency" requirement as a condition of ongoing membership in the Bar of Ontario. Such a rule can be justified on the basis that non-resident members cease to be readily subject to the local Bar's professional conduct, accounting and discipline codes, and, perhaps more importantly, lose whatever knowledge of local law they may once have demonstrated at the time of admission. The obvious drawback of such a rule is that it might expedite the decision to leave Quebec of many who are currently undecided. For this reason, the Sub-Committee was not inclined to advocate such a policy.

There is one credible argument that could be put in justification of repeal of the Quebec transfer regulation which is not available with respect to repeal of the transfer regulations generally, viz, that the Quebec lawyer, with rare exceptions, does not have a common law legal background. There are drawbacks to this position, however. First of all, there is a long history of transferability of civilian lawyers from Quebec to the Ontario Bar. It is only within the past five years that it has been necessary to require successful completion of an examination in common law of Quebec transfer applicants. There is no evidence the Sub-Committee knew of that would bring into question the performance in Ontario of members of the Society who have been admitted under either the old or present Quebec transfer regulation.

Secondly, no other Canadian common law province demands more in the way of extra requirements than the comprehensive common law examination, of Quebec transfer applicants.

Finally, to repeal the Quebec transfer regulation now would inevitably be construed as protection of the profession rather than protection of the public.

The Sub-Committee believed it had identified the basic issues and available options and was inclined to the view that it would be more profitable to put the question for debate: Does Convocation seriously wish to repeal or substantially diminish its transfer regulations or, in particular, the Quebec transfer regulation?

There is one minor aspect of Regulation 4 concerning which the Sub-Committee would recommend abolition. That is subsection 3 of Regulation 4 which reads as follows:

> (3) Upon the recommendation of the Committee, an applicant who has been engaged in the active practice of law in the Province of Quebec,
>
> (a) may be admitted to the Society as a student member in the Bar Admission Course upon,
>
> (i) filing a certificate of good standing, and
>
> (ii) successfully completing a one-year conversion course in common law; and
>
> (b) may be called to the Bar and admitted as a Solicitor upon successfully completing the Bar Admission Course.

The Sub-Committee considered it anomalous in the extreme. Unlike the other transfer regulations 4(1) (common law Provinces) and 4(2) (Quebec), this section has no reference to three years of actual experience in the practice of law in the other jurisdiction. It is not a transfer situation at all and if it has any place in our regulations at all it should appear in the Bar Admission Course admission regulations as an equivalent to the Bar Admission Course's general admission requirement of an approved Canadian common law degree.

Regulation 4(3) contains another difficulty in its reference to "a one-year conversion course in common law". To date no Canadian common law school has formally set up such a programme and the Society is presently not equipped to provide such a course.

Finally, it should be noted that in the four or five years that the regulation has been in existence there has been only a handful of applicants seeking to proceed under it.

For these reasons, the Sub-Committee recommended repeal of this section of the Regulation.

With respect to No. 2 above, the "reciprocity" issue, the Sub-Committee acquired the regulations with respect to admission and transfer of all provinces but Manitoba. It is clear that there is no significant lack of reciprocity, i.e., it is generally no harder or easier for an Ontario lawyer to transfer to another province than for a lawyer in another province to transfer to Ontario.

One matter becomes clear upon an examination of the regulations of the other provinces which merits discussion and consideration at this point, though not germane to the question of reciprocity. Ontario appears to have a much more restrictive position than any other province with respect to admission, by transfer or otherwise, of persons who have acquired a common law education elsewhere than in Canada. Our rule is, and has been for the past three or four years, one of total ineligibility.

It was hoped that persons with non-Canadian common law academic backgrounds would be able to qualify through the route of obtaining a Canadian common law degree from one of the approved Canadian schools on the basis of admission to those schools with advanced standing. This has proved not to be effective. With respect to the admission of those with non-Canadian common law academic backgrounds, the Federation of Law Societies has under active advisement a scheme whereby that body would establish a central accreditation and upgrading scheme which would be recognized by the various provincial Law Societies for admission to the articling process. The Sub-Committee would recommend encouragement of this development and amendment of our regulations to take advantage of this scheme when the Federation is ready to proceed with it.

Turning to No. 3, the third issue posed at the beginning of this Report, the Sub-Committee found some serious problems and felt there was some urgency in dealing with them.

Transfer applicants under both subsections (1) and (2) of Regulation 4 must pass an examination on the statutes and procedure of Ontario. Transfer applicants from Quebec (under Regulation 4(2)) must also pass a "comprehensive examination on the common law of Ontario".

The Sub-Committee informed itself concerning these examinations and concluded that in some respects their present format is less than fair to the examinees and less than adequate to test appropriately the required level of competence of the examinees.

With respect to the lack of fairness in the present format of both examinations the problem is that a candidate is given little or no information as to the topics on which he is to be examined or the type of examination he will face. It is proposed that a reasonably informative outline of the matters on which a candidate is examinable be prepared and made available to candidates for both examinations together with suggestions as to useful texts and other published materials and samples of past examinations.

As for the inadequacies in the present examinations the Sub-Committee had a number of proposals to make concerning them. First of all, with regard to the "statute and procedure" examination, the process could be improved in two ways: firstly, by providing more information as to precisely what is to be examined and, secondly, by changing the format of the present examination to a written, essay type examination. Since the form of this examination is not a matter of regulation, it was the Sub-Committee's view that adoption of this proposal is within the Director's discretion and need only be noted as a matter of information by Convocation.

As to the "comprehensive common law" examination, the Sub-Committee made the following recommendations:

1. Responsibility for administration of this examination should be given to the Director of the Legal Education Department. It is an historic anomaly that the administration presently is undertaken by the Secretary's office. The Secretary is in full accord with this proposal.

2. Henceforth, the standard of ability required to be demonstrated by the examinees should be that required by the Ontario (or Canadian) common law schools of their students.

3. The list of subjects to be examined upon should be considered with a view to amendment. Some of the subjects presently on the list (International Law, Conflicts) seem to be irrelevant or of minor importance. Others of considerable importance seem to be missing (Basic Income Tax, Mortgages).

4. The substantive law examined upon should be the principles of Canadian common law (and statutes of general application) and not

the general English common law. It seems obvious that a knowledge of Canadian law is what we should be concerned with.

5. Greater information as to the topics to be examined upon and the nature of the examination should be available to candidates. Therefore the Director should arrange for the production of topic syllabi for the various subjects and a list of recommended texts. The syllabi and list would be made available to candidates along with a sample examination paper from the past.

6. The majority of questions on any set of examinations should be fresh questions. While to provide for this may be a matter of some expense, the Sub-Committee considered the undertaking of this expense a necessity.

7. The examination should be continued in a form which enables it to still be of use to other provincial Law Societies who maintain a mechanism for transfer or admission of persons with non-Canadian common law academic backgrounds whom they wish to test, at least until such time as the Federation of Law Societies plan, mentioned above, is in place. Some change in form is necessary which recognizes that for our own purposes, the examinees involved are persons with Quebec-Canadian legal academic backgrounds rather than non-Canadian common law academic backgrounds.

   This can be accomplished by re-packaging the subjects to be examined upon into three parts, with separate examinations. Part One would continue to be a group of the basic common law subjects; Part Two, a second tier of important, more or less, common law subjects; and Part Three, a grouping of important subjects of which the Canadian law is national in nature, i.e., not affected by the civil law (Quebec) – common law distinction. Examinees with non-Canadian academic backgrounds, writing for the purposes of other provincial Law Societies, would undertake all three parts. Examinees who are members of the Quebec bar, with civilian academic backgrounds, writing for the purpose of transferring to Ontario under Regulation 4(2) or to another common law province which requires the "comprehensive" examination, would write Parts One and Two and be exempted from Part Three.

8. The funds needed to produce the improvements mentioned above must be made available. The Sub-Committee did not expect this to amount to any large sum, and in any event, assumed that the fees charged candidates will (or should be fixed so as to) offset these costs.

THE REPORT WAS ADOPTED

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LETTER FROM INTERNATIONAL COMMISSION OF JURISTS

The Treasurer referred to a letter and memorandum (dated 26 January, 1978) received by him from Mr. Niall MacDermot, Secretary-General of the International Commission of Jurists, with respect to the Centre for the Independence of Judges and Lawyers, requesting that the Society participate in the project by supplying certain information as suggested in Mr. MacDermot's memorandum and by taking certain actions, also as suggested in his memorandum.

Convocation favoured co-operation with the Commission by forwarding the requested information.

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LETTER FROM STUART THOM, Q.C.

The Treasurer presented a letter dated 1st February, 1978, received by the Secretary from Mr. Stuart Thom respecting lawyers employed by corporations within Ontario and who are not members of the Bar of Ontario.

It was moved, seconded and *carried* that the Society conduct a survey of corporations carrying on business in Ontario having ten or more employees residing in Ontario to determine what number of persons are employed in a legal capacity in Ontario by such corporations and of those persons which of them are members of The Law Society of Upper Canada. Persons employed in a legal capacity shall be understood as meaning those persons who hold a degree in law from a Canadian, Commonwealth or foreign University and whose time is devoted primarily to rendering services of a legal nature to their employing corporations.

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MOTION: LOGO FOR "THE LEGAL AID LETTER"

It was moved, seconded and *carried* that "The Legal Aid Letter" go out with no logo but with the Society's crest.

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TREASURER'S REMARKS

The Treasurer thanked the members of Convocation for their efforts on the Society's behalf in the period he has been Treasurer since May, 1976.

He advised Convocation that the Chairman of the Finance Committee, the Finance Administrator and the Secretary were working to introduce a new system of budgetary controls. He reminded Convocation of the fact that it was hoped that the additions and alterations to the Society's premises would be completed by the end of May, together with the restoration of the Fence.

It was pointed out that there are still a number of matters pending before the Discipline Committee but that in recent months, Convocation had dealt with serious discipline matters at almost each of its monthly meetings.

The Treasurer urged all of the members of Convocation to review carefully the new Professional Conduct Handbook in the hope that a decision could be reached concerning it at an early Convocation.

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CONVOCATION ROSE AT 4:10 P.M.

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Read in Convocation and confirmed 19th May, 1978.

W. GIBSON GRAY	G. D. FINLAYSON
Treasurer at the April Convocation	Treasurer

THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 5

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 19th May, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. W. Gibson Gray and after his election Mr. George D. Finlayson) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carrier, Carter, Carthy, Cass, Chadwick, Chappell, Cooper, Farquharson, Fennell, Furlong, R. J. S. Gray, Ground, Humphrey, Kellock, Mrs. Legge, Messrs. Levinter, Lochead, McWilliams (after his election), Ogilvie, Orkin, Outerbridge, Pallett, Pepper, Pomerant, Rogers, Ruby, Seagram, Shepherd, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Wallace, White and Willoughby.

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ELECTION OF TREASURER

The Secretary informed Convocation of the results of the balloting.

It was moved, seconded and *carried* that Mr. *George D. Finlayson* be elected Treasurer for the ensuing year.

Mr. W. Gibson Gray withdrew from Convocation and Mr. Finlayson took the chair.

On assuming the position of Treasurer, Mr. Finlayson thanked the Benchers present for their confidence in him and assured them that he was very sensible to the honour of being Treasurer. He stated that he hoped to live up to the expectations of the office.

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MINUTES

The Minutes of Special Convocation for Call to the Bar of 13th, 14th, 17th and 19th April and of Convocation of 21st

April, 1978 were read and confirmed.

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RESIGNATION OF BENCHER
F. JOHN L. EVANS, Q.C., HAMILTON

The Treasurer read a letter dated 27th April, 1978, from Mr. *F. J. L. Evans* of Hamilton, tendering his resignation as a Bencher on account of ill health. Mr. Evans was elected a Bencher on 21st October, 1966 to replace L. M. Ball who had been appointed a County Court Judge, and was re-elected in 1971 and 1975.

It was moved, seconded and *carried* that the resignation of Mr. F. J. L. Evans be accepted with regret.

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ELECTION OF BENCHER
PETER K. E. McWILLIAMS, Q.C., MILTON

A vacancy having been caused in Convocation by the resignation of Mr. F. J. L. Evans, Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22(2) of The Law Society Act.

It was moved, seconded and *carried* that Mr. *Peter K. E. McWilliams* of Milton be elected a Bencher to fill the vacancy in Convocation.

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SPECIAL COMMITTEE ON HOUSE COUNSEL

The Treasurer informed Convocation that he will appoint a Special Committee on House Counsel to explore the desirability of seeking legislation to permit the creation of a special class of membership in the Society limited to those who practise with only a single client such as, for example, a corporation. The appointment of such a special committee was recommended to Convocation on 15th October, 1976, in the Report of the Admissions Committee.

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RULES OF PROFESSIONAL CONDUCT

The Rules of Professional Conduct were before Convocation in handbook form. Copies had been distributed to all members of the Bench for their prior consideration.

It was moved and seconded that the Rules of Professional Conduct be adopted and the present Rulings be repealed.

It was moved, seconded and *lost* that Rule 19 be deleted and that Ruling 35 be repealed.

It was moved, but not seconded, that the Rules be adopted subject to the amendment of Rule 19.

Discussion of the Rules was interrupted to permit the Report of the Admissions Committee to be considered and the Call to the Bar to take place.

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ADMISSIONS COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 11th May, 1978.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. Legge, Vice-Chairman, Messrs. Cass, R. J. Gray, Ground, Henderson, Mrs. Sutherland and Mr. White.

OCCASIONAL APPEARANCE

Yves Deschênes, of the Province of Quebec, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of Lawyers from other Provinces", in the case of *Regina v. McNamara et al.* Mr. Deschênes had complied with the requirements of Section 10 of the Regulation and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the May Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate, having successfully completed the Nineteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted a Certificate of Fitness:

Paul Randolph Pendrith

Call to the Bar for Occasional Appearance

At its meeting on 11th May, 1978, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

Yves Deschênes	Province of Quebec

Approved

BAR ADMISSION COURSE SPECIAL PETITIONS

Three petitioners who had failed to file all of the documents required by Section 26(7)(a) sought permission to file the missing documents and enter the teaching portion of the Bar Admission Course in September, 1978. The Committee approved all three petitions.

READMISSION

Leo Joseph Trottier was called to the Bar in Ontario in November, 1940, and practised law in Windsor until December, 1961. In January, 1962, he accepted an appointment as Service Officer with the Royal Canadian Legion. Upon the Legion's advice he ceased his membership in the Law Society, the reason being to avoid possible embarrassment, that is to say, requests from Legion members to act in litigation, etc., as it was intended that he should work exclusively on pension claims and not on other legal matters. His file was transferred to past records on 16th February, 1962. In March, 1969, he joined the Bureau of Pensions Advocates holding the positions of District Pensions Advocate in North Bay, 1969-71; in Calgary, 1971-73; in Halifax, 1973-77; and Area Advocate in Ottawa, from 1977 to present. His letter of application seeking readmission to the Law Society and two letters supporting his application, one from D. M. Thompson, Chairman of the War Veterans Allowance Board, and one from L. T. Aitken, Chief Pensions Advocate, were before the Committee.

The Committee recommended that he be readmitted upon successful completion of the teaching portion of the Bar Admission Course.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in May, 1978, was before the Committee. Ten candidates sat the examinations. Seven candidates passed and three candidates failed.

Approved

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Paul Randolph Pendrith
Yves Deschênes

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RULES OF PROFESSIONAL CONDUCT (Continued)

Consideration and discussion of the Rules of Professional Conduct resumed.

It was moved, seconded and *lost* that the Rules be adopted in principle and referred to the Professional Conduct Committee for further consideration.

It was moved, but not seconded, that consideration of the matter be adjourned to the regular Convocation in June.

The two motions that were not seconded were *not put.*

The motion that the Rules be adopted and the present Rulings be repealed was *carried.*

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DISCIPLINE COMMITTEE–Mr. Lochead

Re: DANA L. I. SMITH, Terra Cotta

Mr. G. H. Lochead, Chairman, placed the matter before Convocation.

The reporter was sworn.

Messrs. Humphrey and Orkin were not present in Convocation, took no part in the discussion and did not vote.

The solicitor was represented by his counsel, Mr. Ian Scott, Q.C. The Society was represented by Mr. Frank Marrocco.

Counsel for the solicitor asked that the matter be adjourned so that a transcript of the proceedings before the Discipline Committee could be obtained. Counsel for the Society made no submisssion.

The reporter and counsel withdrew.

It was moved, seconded and *carried* that the matter be adjourned to a Convocation in June.

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

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CONVOCATION RESUMED AT 2:05 P.M.

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PRESENT:

The Treasurer and Messrs. Bowlby, Bynoe, Carnwath, Cass, Chappell, Furlong, R. J. S. Gray, Ground, Humphrey, Kellock, Mrs. Legge, Messrs. McWilliams, Ogilvie, Orkin, Outerbridge, Pallett, Ruby, Shibley, Mesdames Sutherland and Tait, Messrs. Thom, Wallace and Willoughby.

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DISCIPLINE COMMITTEE (Continued)

GENERAL

Mr. Lochead presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 11th May, 1978.

The following members were present: Messrs. Lochead (Chairman), Bynoe (Vice-Chairman), Cass, Cooper, Furlong, Ruby, Mrs. Sutherland and Mr. Willoughby.

1. ESTIMATES FOR THE ENSUING YEAR

The Committee considered its estimates for the ensuing year and reported to the Finance Committee in this connection.

Having spoken to Robert L. Anderson, the Society's auditor, and after reviewing the work in progress, the Committee concluded that the Society should take on staff an additional auditor and so recommended to Convocation. The budget forwarded to the Finance Committee included an amount to cover the new auditor's salary should Convocation adopt this Committee's recommendation.

2. On occasion because of scheduling problems it has been felt that it would be advantageous if two discipline hearings could be held at the same time. The view has been, however, that unless the two hearings were seised matters, it would not

be possible so to do. If it were otherwise, one lawyer whose conduct was being investigated could complain that he had been denied the opportunity to have on his committee those Benchers who were sitting on the concurrent hearing. The Committee was of the opinion that problems could arise if two hearings were held at the same time and therefore recommended that an amendment to the Regulation made pursuant to The Law Society Act be obtained so that this would be permitted.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. J. D. Carnwath, Vice-Chairman, presented the Compensation Fund Summary for the period ended 30th April, 1978.

COMPENSATION FUND

For the period 1st July, 1977 to 30th April, 1978

(10 months)

TOTAL RECEIPTS	$ 353,079.73
TOTAL DISBURSEMENTS	119,328.76
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 233,750.97
BALANCE OF FUND at beginning of period	$1,360,674.79
BALANCE OF FUND at end of period	$1,594,425.76

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 30th April, 1978	$3,361,390.88
TOTAL PAID to 30th April, 1978 from the commencement of the Fund on account of 1,012 claims of 112 former solicitors	$4,139,390.29

THE SUMMARY WAS RECEIVED

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 10th May, 1978.

The following members were present: John D. Bowlby, Chairman, Messrs. Barnes, Carnwath, Chadwick, Cherniak, Courtemanche, Ellis, Ferrier, Mrs. Fleming, Mr. Jones, Mrs, Jarmain, Messrs. Lamb, Levinter, McLean, Michon, Ogilvie, Ruby, Shaffer, Mrs. Smyth, Messrs. Wallace, Whealy.

Present by invitation was Graham W. Scott, Solicitor, member of the Clinical Funding Committee.

Also in attendance were Brian Bellmore, Solicitor, Counsel for People and Law; Ian G. Scott, Q.C., Counsel for the Clinical Funding Committee; A. G. Campbell, Solicitor, Director, Parkdale Community Legal Services; Ms. Coleen Swords and Reginald Wright of Parkdale Community Legal Services.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the twelve month period ended March 31, 1978, shows that payments from the Legal Aid Fund were more than budget by $789,000. This was mainly subsidized by a last minute injection of $600,000 from the Provincial Government.

The $789,000 over expenditure is made up as follows:

Over Budget	$	$
Duty Counsel Payments	51,300	
Criminal Certificate accounts	309,000	
Civil Certificate accounts	924,100	
Legal Advice Certificate accounts	37,100	1,321,500
Under Budget		
Salaried Duty Counsel project	19,500	
Community Clinic funding	56,900	
Area Office costs	128,600	
Provincial Office costs	202,500	
Northern Ontario pilot project	125,000	532,500
Net over budget		789,000

Income from sources other than the Province of Ontario was over the budget by $246,700 as follows:

Over Budget	
The Law Foundation	84,700
Client contributions	93,300
Costs received	66,700
Miscellaneous income	2,000
	246,700

As at March 31, 1978, the balance in the Fund stood at $75,600.

Statistics

The following table compares reported activity for the fiscal year ended March 31, 1978, with the activity for the previous fiscal year.

	12 months ended		*% Change from*
	March 31, 1978	*March 31, 1977*	*last year*
Informal applications	97,367	96,056	+ 1.4
Applications for certificates	105,118	103,177	+ 1.9
Refusals	34,524	32,062	+ 7.7
As a percentage of applications	32.8	31.1	
Certificates issued	76,730	76,649	+ 0.1
Persons assisted by Duty Counsel:			
Fee for service	148,576	158,426	
Salaried Duty Counsel	27,340	–	
Total	175,916	158,426	+ 11.03

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	12 months ended March 31, 1978		*12 months ended March 31, 1977*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	202,485	100.0	199,233	100.0

	12 months ended March 31, 1978		12 months ended March 31, 1977	
	No.	%	No.	%
Advice and referral (Informal applications)	97,367	48.1	96,506	48.2
Certificates issued	76,730	37.9	76,649	38.5
Unassisted persons	28,388	14.0	26,528	13.3
	202,485	100.0	199,233	100.0

Annual Report of the Director

The Annual Report of the Director for the year ended March 31st, 1978, pursuant to Section 96 of the Regulation, was approved by the Committee and was before Convocation.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Activity

	1978/79 Fiscal Year		1977/78 Fiscal Year	
	Month of April 1978	1 Month to April 1978	Month of April 1977	1 Month to April 1977
Accounts on hand at beginning	6016	6016	4657	4657
Accounts received	5680	5680	4981	4981
Total Accounts to be processed	11696	11696	9638	9638
Less: Files Cancelled	29	29	29	29
Accounts processed	4705	4705	4508	4508
Balance	6962	6962	5101	5101

Reviews

	April 1978	1 Month to April 30/78	1 Month to April 30/77
Reviews on hand at beginning	346		
Reviews received in	76	76	122
	422		

	April 1978	*1 Month to April 30/78*	*1 Month to April 30/77*
Settlements reviewed in	249	249	65
Settlements awaiting review at end of	155		
Settlements awaiting further information at end	18		
	422		

Appeals

	February	*March*	*April*
Appeals to Taxing Master received during	–	–	–
Appeals heard by Taxing Master	–	–	–
Appeals pending at the end of the month	1	1	1
Appeals abandoned	–	–	–

PROPOSED AMENDMENTS TO LEGAL AID TARIFF

The Chairman requested the Deputy Director to provide the Legal Aid Committee with a memorandum commenting on the progress of the tariff negotiations with the Ministry of the Attorney General. This report is as follows:

REPORT TO THE LEGAL AID COMMITTEE ON TARIFF NEGOTIATIONS

Woods, Gordon & Co., the firm of management consultants retained by the Tariff Sub-Committee, has now completed its investigation of the likely cost of implementing the new tariff schedules.

In arriving at their projections, Woods, Gordon took into account all known variables, such as the trend in average case costs and in number of accounts to be paid and also allowed for the possibility of changes in the experience of solicitors participating in Legal Aid. Their findings are summarised in the following table which is stated in millions of dollars and refers to 12 month periods immediately following implementation of the proposed tariff.

	1st 12 months	*2nd 12 months*	*3rd 12 months*	*Cumulative 36 month effect*
Pessimistic	3.02	5.04	5.24	13.30
Most Likely	2.41	3.82	3.83	10.06
Optimistic	2.05	3.07	2.92	8.04
Weighted Avg.	2.45	3.90	3.91	10.26

In calculating the foregoing figures, Woods, Gordon made use of our existing forecasting model which indicates that 18 months after implementation approximately 93% of accounts paid each month will be paid under the proposed tariff. It will take a further 18 months from that point before the proportion of cases paid under the new tariff will approach 100%.

Taking Woods, Gordon's weighted average figures as being the most reasonable estimate of additional costs and adding thereto the effect of the proposed tariff on duty counsel fees we then get a bottom line figure as follows:

		$ million		
	1st 12 months	*2nd 12 months*	*3rd 12 months*	*Cumulative 36 month effect*
Certificate Accounts	2.45	3.90	3.91	10.26
Duty Counsel	0.47	0.49	0.52	1.48
Total Cost Increase	2.92	4.39	4.43	11.74

The foregoing information, accompanied by statistical tables, graphs and explanations of methodology used, has already been provided to the Ministry of the Attorney General. We have already met on two occasions with Ministry people and they are asking for a further meeting to clarify some of the points raised. We hope to have that meeting by the end of this week.

It is my understanding that the Tariff Sub-Committee wishes then to meet with the Ministry representatives to discuss any outstanding points such as the application of discretionary allowances under Note A.

Clinical Funding Committee

(a) People and Law

Brian Bellmore, Solicitor, appeared as counsel for People and Law and Ian G. Scott, Q.C., appeared as counsel for the Clinical Funding Committee. The Legal Aid Committee at its Meeting on April 26th, had approved that People and Law's request for an adjournment be granted until May 10th, 1978.

At the commencement of the hearing Mr. Ian Scott advised the Legal Aid Committee that People and Law were prepared to submit a new application to the Clinical Funding Committee for funding for the fiscal year 1978-79 and that such application would be presented on May 26th, 1978. Mr. Scott asked the Legal Aid Committee to adjourn People and Law's hearing on this basis. Mr. Scott also advised the Legal Aid Committee that the Clinical Funding Committee was prepared to make an ex-gratia payment to People and Law in the sum of $3,824.80 to enable People and Law to prepare such application. This arrangement was assented to by the Legal Aid Committee.

(b) Parkdale Community Legal Services

On Friday, April 21st, Convocation passed the following Motion:

> "That the Legal Aid Committee meet with the Governors of Parkdale Community Legal Services to discuss whether solicitors, paralegals and community workers employed by clinics generally should be compensated at a scale comparable to persons doing similar work in the employ of government."

A. G. Campbell, Director, Parkdale Community Legal Services, made representations to the Legal Aid Committee and articulated the disparity between those employed in government and those employed in clinics providing services in comparable areas.

After discussion the Committee approved the following Motion:

> "That it bring to the Attorney General's attention the Law Society's conviction that there should not be substantial differences between compensation available to legal clinic employees and that available to government and private sector employees engaged in comparable work and that funding available to clinics should reflect that necessity."

(c) Recommendations for Clinical Funding

On May 3, 1978, the Clinical Funding Committee submitted a report to the Director recommending to the Director, subject to the approval of Convocation, funding for various projects.

The Director recommended to Convocation that the Report of the Clinical Funding Committee, dated May 3, 1978, be adopted.

The following is a summary of the applications considered subsequent to the report to Convocation dated April 4, 1978, and the amounts of funding recommended for the fiscal year 1978/79:

	Applicant	*Amount*
1.	York Community Services, Toronto	$15,255
2.	Toronto Community Legal Assistance Services, Toronto	108,016
3.	Problem Central Inc., Toronto	45,565

*The above recommended funding levels are subject to the Attorney General's approval of designated funding in the appropriate amounts for clinics for 1978/79.

(d) Clinical Funding Regulation

The Legal Aid Committee enquired from James B. Chadwick, Chairman of the Clinical Funding Committee, as to when an Amendment to the Clinical Funding Regulation could be expected to clarify such matters as appeal procedures, etc. Mr. Chadwick advised the Committee that the Clinical Funding Committee recommended the following Motion for the approval of Convocation:

> "That the Clinical Funding Committee recommends to the Attorney General that a commissioner be appointed by The Law Society of Upper Canada and the Attorney General to study the existing Clinical Funding Regulation to consider recommendations for change."

DUTY COUNSEL, OLD CITY HALL, YORK COUNTY

(a) The Legal Aid Committee at its March meeting reviewed the report of the Sub-Committee on the Extended Duty Counsel project at the Old City Hall. The report recommended that the salaried Duty Counsel staff be permitted to assist with bail applications in cases of emergency where short terms of imprisonment are imposed, to file notices of appeal in the County Court and to obtain release on bail of accused persons in cases where otherwise complete sentences might be served before private counsel can be employed.

The Committee recommended that the Criminal Lawyers Association should have an opportunity to speak on the matter. Clayton Ruby advised that he would be prepared to take the request to a meeting of the Board of Directors of the Criminal Lawyers Association and report back to the Committee. The Committee reviewed correspondence from Mr. Ruby which advised that the Directors were of the view that they did not approve any extension of the role of Permanent Duty Counsel, at least until it has been determined by experience that private counsel cannot perform this same function and achieve much of the same effect on an emergency basis.

After considering the matter the Committee passed the following Motion:

> "That the requested extension of the role of Permanent Duty Counsel to provide bail services in appeals to persons sentenced to short periods of imprisonment be refused: and that the function of the Legal Aid Plan with regard to this matter be reviewed as part of the overall review of the Permanent Duty Counsel Project to be conducted in the Fall."

(b) The Sub-Committee appointed to monitor the pilot project with respect to salaried Duty Counsel at the Old City Hall, York County, recommended that an additional salaried Duty Counsel be employed to bring the number of salaried Duty Counsel up to seven. It was noted that the pilot project is being assessed in six months time. In view of the need the Committee approved the Sub-Committee's request that an additional salaried lawyer be retained.

AMENDMENT TO LEGAL AID REGULATION

The Legal Accounts Officer requested an Amendment to Section 6 of the Regulation. Section 6 presently reads as follows:

> "The Legal Accounts Officer is responsible to the Director for the settlement in accordance with this Regulation of all solicitors' accounts for services rendered under the Act and Regulation, other than the accounts of duty counsel, and he is authorized to make any enquiries he considers

necessary for this purpose."

The Legal Accounts Officer requested an Amendment due to the ever increasing number of requests for review of accounts from members of the Bar. The present Regulation does not permit anyone but the Legal Accounts Officer to write a review. The Amendment will enable the Deputy Legal Accounts Officer to also perform this function.

The Committee recommended that Section 6 of the Regulation be amended as follows:

> "That the Legal Accounts Officer, with the approval of the Director, may appoint one or more deputies or assistants, and may delegate one or more of the functions of this office to a Deputy or Assistant Legal Accounts Officer pursuant to the Act and this Regulation."

APPOINTMENT OF AREA DIRECTOR

Barton B. Trembley, Q.C., Area Director, Thunder Bay, was appointed District Court Judge for Rainy River. The Thunder Bay Area Committee with assistance from the Thunder Bay Law Association unanimously recommended J. F. McCartney, solicitor, as Area Director to replace Mr. Trembley.

Therefore the Committee recommended the appointment of J. F. McCartney, solicitor, as Area Director in the District of Thunder Bay.

AREA COMMITTEES

Section 4 (1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as a member of the Area Committee in:

Essex County

Denis Harrison, Assistant Crown Attorney, Windsor.

RESIGNATIONS

Waterloo County

Dr. J. W. Fretz, Past President, Conrad Grebal College, University of Waterloo, Waterloo.

E. L. Wellhauser, solicitor, Waterloo.

S. S. Bergstein, solicitor, Kitchener.

Dufferin County

J. James Wardlaw, solicitor, Orangeville.

THE REPORT WAS ADOPTED

. . . .

MOTION: PUBLIC DEFENDER

It was moved, seconded and *lost* that a committee be composed of members of this Bench to consider the question of a public defender and report to Convocation.

It was moved, seconded and *carried* that the Attorney General for Ontario be asked to form a special committee to include representatives of this Bench and of the Attorney General's Ministry to explore the question of a public defender.

. . . .

CANADIAN BAR ASSOCIATION – APPOINTMENT OF REPRESENTATIVES

It was moved, seconded and *carried* that the *Treasurer* and Mr. *R. W. Cass* be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1978.

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Ground

Mr. J. D. Ground, Acting Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 11th May, 1978.

The following members were present: Mr. J. D. Ground, Vice-Chairman, Messrs. Ruby, Henderson, Brulé, R. J. S. Gray, Outerbridge, Rogers, Thom, Salhany and Mrs. R. M. Tait.

BAR ADMISSION COURSE – PRIZES

(a) Messrs. Day, Wilson, Campbell annually donate to the Society a prize entitled The Commercial and Company Prize which is awarded to the student obtaining the highest marks in the Corporate and Commercial section of the Bar Admission Course. The donors of this prize have requested that its name be changed to "Day, Wilson, Campbell Corporate and Commercial Prize".

(b) Mr. Joseph Sedgwick is the donor of The Criminal Procedure First Prize awarded annually to the student obtaining the highest mark in that subject. Mr. Sedgwick would like the name of the prize to be changed to the "Joseph Sedgwick, Q.C., Prize for Criminal Procedure".

Approved

BAR ADMISSION COURSE AND DEPARTMENT OF CONTINUING EDUCATION BUDGET ESTIMATES 1978–79

Budget Estimates covering the Bar Admission Course and the Department of Continuing Education for the year 1978-79 were before the Committee. It was recommended that the budgeted deficit for the Bar Admission Course be the subject of an application for a grant to The Law Foundation of Ontario.

The Committee recommended that this matter be *approved* for submission to the Finance Committee.

19TH BAR ADMISSION COURSE – SUPPLEMENTAL EXAMINATIONS

Under the modified grading system adopted by Convocation for the 19th Bar Admission Course nine candidates were eligible to write supplemental examinations during the week of 24th April, 1978. All nine candidates wrote supplemental examinations.

Noted

19TH BAR ADMISSION COURSE – RESULTS OF SUPPLEMENTAL EXAMINATIONS

A list of the nine candidates identified by examination numbers who wrote supplemental examinations during the week of 24th April, 1978, was before the Committee. This list showed the examinations written by each candidate and the marks obtained with the marks on the original examinations shown in brackets. One candidate failed Civil Procedure I and one candidate failed Corporate and Commercial Law.

In result, under the modified grading system adopted by Convocation for the 19th Bar Admission Course, eight of these nine candidates have successfully completed the Bar Admission Course. The ninth candidate was required to write supplemental examinations in three papers, namely, Civil Procedure I, Corporate and Commercial Law and Real Estate and Landlord and Tenant. He wrote and passed the supplemental examinations in Civil Procedure I and Real Estate and Landlord and Tenant but did not write the examination in Corporate and Commercial Law by reason of illness. A medical certificate to this effect was filed. In result this candidate had passed ten of the eleven examinations and had in substance fulfilled the passing requirements under the modified grading system established for the 19th Bar Admission Course.

The nine candidates were:

Howard Cary Cohen
Beverley Linda Craven Fien
Brenda Elizabeth Gilhooly
John Garth Gillespie
Catherine Mary Harper
Peter Stanley Haskins
Douglas Jack Keshen
Nellie Maria Lanteigne
Terrence Wayne Nevins

The Committee recommended that these nine candidates be found to have successfully completed the Bar Admission Course.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee dealt with 11 petitions of a routine nature and approved eight of them. Two were referred to the Appeals Sub-Committee and one was denied.

The Committee considered financial statements for the Bar Admission Course and Continuing Education and reviewed a summary of Continuing Education programmes presented in April, 1978, and the publications report for April, 1978.

THE REPORT WAS ADOPTED

. . . .

FINANCE COMMITTEE–Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 11th May, 1978.

The following members were present: Messrs. Pallett (Chairman), Brulé (Vice-Chairman), Farquharson, Fennell, Ground, Henderson, Ogilvie and Pepper.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Patrick William Perras, Q.C. Oakville	Called – 21 June 1951 Appointed County Court Judge, Regional Municipality of Hamilton-Wentworth – 27 April 1978
Abraham Mandel, Q.C. Hamilton	Called – 23 June 1955 Appointed County Court Judge, County of York – 27 April 1978

Deaths

The following members have died:

Joseph Aloysius Kennedy, Q.C. Toronto	Called – 17 October 1929 Deceased – 18 April 1978
Wilson Duncan McVannel Toronto	Called – 13 April 1962 Deceased – 24 April 1978
John Albert Bradshaw, Q.C. Peterborough	Called – 15 June 1939 Deceased – 25 April 1978
Joseph Williams Thompson, Q.C. Toronto (Life Member)	Called – 19 May 1921 Deceased – 28 April 1978
Samuel Wilfrid Carriere, Q.C. Toronto	Called – 19 November 1931 Deceased – 30 April 1978
John Telford Archibald Gamble, Q.C. Guelph	Called – 19 November 1936 Deceased – 28 April 1978

Noted

MEMBERSHIP RESTORED

The Hon. *George Alexander Gale,* Q.C., former Chief Justice of Ontario, gave notice under Section 31 of The Law Society Act that he wished to be restored to the Rolls of the Society as a barrister and solicitor. Accordingly, his membership was restored effective 22 March, 1978.

Noted

MEMBERSHIP UNDER RULE 50 – INCAPACITATED MEMBER

John Malcolm Bancroft Davis of London requested consideration of his application under the new provision of Rule 50, which allows disabled members to continue their membership in the Society at a reduced annual fee of $25.

Approved

CHANGE OF NAME

Frederick Howard Rosenzweig, a solicitor practising in Toronto, requested that his name be changed on the Rolls of the Society to Frederick Howard *Streiman.* His petition and a copy of an Order of His Honour Judge Stephen Borins dated 19 April, 1978, were before the Committee.

Approved

AMENDMENTS TO RULES

The Committee had before it a report from one of its members recommending a number of changes relating to assessment and collection of annual fee and Compensation Fund levy. If approved, the changes would require amendments to the rules of the Society which would clarify the liability of members to pay the annual fee and Compensation Fund levy. Suggested changes were incorporated in these recommendations. In some cases, practices are being followed which are not covered by the existing rules.

(a) Annual Fee – Rule 50

It was proposed to incorporate the following changes into Rule 50:

(i) Designate that the annual fee relates to the financial year (1st July to 30th June).

(ii) Make the date that the fee is payable two months earlier than at present.

(iii) Clarify the position relating to refunds for persons ceasing to be members. Persons who cease to be members during a financial year prior to the due date of the fee would not be liable for the fee in that year. Conversely, a person ceasing to be a member after the due date would still be liable for the fee.

(iv) Leave the wording of Rule 50 such that the amount of the fee would be set by Convocation without changing the rules and also allow Convocation to set penalties for late payment of fees.

(v) Clarify the existing unwritten rule that persons who pay a call fee do not pay an annual fee until the next fee period.

(vi) Eliminate the present practice of allowing exemption from Compensation Fund levy to certain categories of members and make the levy payable by every member who pays an annual fee.

In order to incorporate these proposals into Rule 50, the following parts of the existing rule which read

> " ANNUAL
>
> An annual fee is payable by every barrister and solicitor on or before the 30th day of November in each year in such amount as Convocation may from time to time determine. "

> " COMPENSATION FUND
>
> A Compensation Fund levy is payable by every barrister and solicitor on or before the 30th day of November in each year in such amount as Convocation may from time to time determine. "

should be deleted and the following paragraph substituted therefor:

> ANNUAL
>
> Unless otherwise exempted every member of the Society shall pay an annual fee, to include a Compensation Fund levy, for each financial year in an amount to be determined annually by Convocation; the fee to be due and payable on the 1st day of October in each financial year or if a member is re-admitted or restored to membership on a date subsequent thereto then on such date. The annual fee is not payable by a member for the financial year in which he is first called to the Bar and admitted as a solicitor.

(b) Retired Members and Incapacitated Members – Rule 50

The Committee recommended that the existing rule be changed so that these members would not be required to pay the annual fee and Compensation Fund levy. The Committee also recommended that the conditions under which these members be forgiven fees be clarified by relating their retirement or disablement to their ceasing to practise law. This change would involve deletion of the following part of Rule 50

> " RETIRED AND INCAPACITATED MEMBERS
>
> Any member who,
>
> (a) is over 65 years of age and is permanently retired; or

> (b) is permanently disabled,
>
> may apply to continue his membership in the Society at a reduced annual fee of . . . . $25"

and the substitution of the following therefor:

> RETIRED AND INCAPACITATED MEMBERS
>
> Any member who,
>
> (a) is over 65 years of age and is permanently retired from the practice of law; or
>
> (b) is permanently disabled and therefore unable to practise law,
>
> may apply to continue his membership in the Society without payment of annual fee.

This change was suggested to eliminate the inequity which may result from a person having a small income earned from a non-legal occupation and having to pay full fee whereas a person having a large unearned income is entitled to the reduced fee.

Further reference to reduced fee in this part of Rule 50 will require rewording if the recommendation to allow the above members to continue without payment of fee is approved.

(c) Rules 33 and 34

Changes were required to Rules 33 and 34 to reflect both the change in the Society's financial year which was made two years ago and the proposed change in the date that the annual fee is due.

Subrule 1 of Rule 33 reads as follows:

> " ESTIMATES
>
> 33.-(1) Every standing committee of Convocation shall not later than at its September meeting in each year consider and adopt an estimate in respect of its operations for the current financial year and submit such estimate forthwith thereafter to the Finance Committee. "

It was suggested that the words "at its September meeting" in the second line be deleted and that the words "at its May meeting" be substituted therefor.

Subrules 2 and 3 of Rule 34 read as follows:

> "34.-(2) The Finance Committee shall make recommendations from time to time with respect to the fees and levies of members and student members and, without limiting the generality of such duty, shall annually recommend the amount of the annual fee and of the Compensation Fund levy to be due and payable by the members of the Society on or before the 30th day of November.
>
> (3) The Finance Committee shall, at a meeting of the Committee to be held annually before the October Convocation, consider the estimates submitted to it by the other standing committees as required by Rule 33 and report upon these to the October Convocation. "

The following subrules were suggested in substitution therefor:

> (2) The Finance Committee shall make recommendations from time to time with respect to the fees and levies of members and student members.
>
> (3) The Finance Committee shall, not later than at its regular meeting in June in each year, consider the estimates submitted to it by the other standing committees as required by Rule 33 and report upon these and make recommendations as to the amount of the annual fee and the Compensation Fund levy to the June Convocation.

HEATING

An invoice from the Ministry of Government Services in the amount of $83,099 was presented to the Society to cover the cost of heating, power, lighting and allied services to the Society's part of Osgoode Hall for the year ended 1 March, 1978. Mr. Heeney reviewed this account which is $93 more than the account of a year ago and approved it for payment. The invoice was therefore paid and the Committee was asked to ratify this action.

Approved

LIBRARIES AND REPORTING COMMITTEE

Great Library – Oak Bookstack

The following item appeared on the agenda of the Libraries and Reporting Committee at its meeting on this date:

> "An additional bookstack is required in the Main Reading Room of the Great Library to take care of expansion of books. This is to be located behind a pillar in the north-west end of the room. Mr. Heeney has submitted an estimate of its cost at $527.50 which is attached. This bookstack is essential to properly take care of the materials expanding in this part of the library and it is requested that recommendation for its construction be given. Subject to the approval of the Finance Committee."

Approved

County Library Grants

The Chief Librarian presented a memorandum listing law associations which had sent in their Annual Returns for 1977 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1977 and 1978. The Libraries and Reporting Committee approved these grants at its meeting on 11th May, 1978, subject to the approval of this Committee.

Approved

CANADIAN LAW INFORMATION COUNCIL

The Canadian Law Information Council requested substantial support from the Society. This matter was before this Committee at the 10th November, 1977, meeting and was deferred.

Since the 1978/79 Budget for the Society was in the course of preparation, it was appropriate that the Council's submission be considered. The Council's request is for a per capita grant of $4.00 per member for the year 1978/79 and would amount to some $48,000.

The Committee recommended that a grant of $25,000 be provided for in the 1978/79 Budget.

BARRISTERS' DINING ROOM

Mrs. Prince submitted statements for her operations of the Barristers' Dining Room for the seven months ended 31 March, 1978. The arrangements with Mrs. Prince were that the Society would guarantee her an income of $160 per week.

The net profit for the period was $592 and there was therefore an amount of $4,208 due to Mrs. Prince, representing the amount by which the profit falls short of the guarantee.

The Committee recommended payment of the sum of $4,208 to Mrs. Prince.

THE REPORT WAS ADOPTED

. . . .

MOTION: AMENDMENT OF RULES 50, 33 and 34

It was moved, seconded and *carried* that the item in the Report of the Finance Committee with respect to the amendment of Rules 50, 33 and 34 be referred to the Legislation and Rules Committee.

. . . .

ADMISSIONS COMMITTEE (Continued)

Mrs. L. L. Legge, Vice-Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 27th April, 1978, with respect to the application of *Robert Charles Hays* to be readmitted to membership in the Society.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, and Professor R. J. Gray.

The applicant attended with his counsel, Mr. Charles Mark, Q.C.

The applicant was called to the Bar and admitted as a solicitor on 8th April, 1960. Following Discipline proceedings in 1968, Convocation granted the applicant's request that he be permitted to resign his membership in the Society upon his undertaking that he would make no application to the Society at any time to have his name restored to the Rolls and Records of the Society.

On 1st March, 1978, the applicant appeared before this Committee with his counsel and asked to be relieved of his said undertaking. On 17th March, 1978, the Committee reported to Convocation that it was unable to recommend that Convocation grant the relief sought. After hearing the applicant and his counsel, Convocation adopted a resolution that it relieve the applicant of his undertaking not to apply to be readmitted to membership in the Society.

At its meeting on 27th April, 1978, the Committee heard submissions from counsel for the applicant and evidence adduced by counsel for the applicant and others in support of the application for readmission. The evidence that was given covered the same ground as that presented at the earlier hearing with no significant additions.

Following publication of the applicant's notice in the Ontario Reports of his intention to apply for readmission, the Committee received correspondence from two members of the Society in support of the application.

The Committee considered most carefully the evidence before it and the submissions made by counsel and took into consideration the time that had passed since the applicant resigned his membership and also the nature of the work he had been doing in the interval.

The Committee recommended that *Robert Charles Hays* be readmitted upon successfully completing the teaching portion of the Bar Admission Course.

THE REPORT WAS ADOPTED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. B. H. Kellock, Vice-Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 11th May, 1978.

The following members were present: Messrs. Cooper (Chairman), Chappell (Vice-Chairman), Fennell, Henderson, Lochead, Orkin, Outerbridge, Strauss, Mrs. Sutherland, Messrs. Tobias and Willoughby.

1. A member of the Society wrote stating that his firm recently had a very difficult situation arise with another law firm in which a trust condition imposed by his firm was ignored on the grounds that his firm had had no right to impose such condition. The member wrote not to complain but rather to bring to the Society's attention a memorandum that had been issued by the Discipline Committee of the Law Society of Manitoba to the profession in that Province. The member, feeling that the matter is of sufficient importance, asked whether the Society would agree with the contents of the Manitoba memorandum. The Committee agreed in principle with the position taken by the Law Society of Manitoba and recommended that a summary of it be brought to the profession's attention in the Communiqué.

2. ESTIMATES FOR THE ENSUING YEAR

Last year when considering its estimates the Committee came to the conclusion that the cost of supplying to the profession the new Rules of Professional Conduct should be covered by way of a special levy on members of the profession and not out of the Committee's budget. This view was embodied in a recommendation set out in the Committee's Report for June of last year.

Previously the Professional Conduct Committee budget had covered the cost of providing copies of the Professional Conduct Handbook to student members. The Committee has now concluded that there is no reason why the cost should be borne in one way with respect to student members and another way insofar as members are concerned. Accordingly, the Committee recommended that in future the cost of providing such materials to student members come within the Society's general funds. When considering its budget the Committee therefore made no provision to cover this cost.

3. Earlier this year there was a drive for funds in a city in

Ontario on behalf of the local symphony. People or organizations donated their services and/or products. These donations became "premiums". Members of the public who wished to support the symphony selected one or more "premiums" up to the amount of their donation. A member of the profession donated as a "premium", "Husband and Wife Wills". The Society's attention was drawn to a flyer which apparently was distributed to householders at large in the city concerned and in particular to one item which stated, "Something to think about – your family's future! Husband and wife wills are offered by an experienced lawyer. Isn't it time you made out yours? $50.00". Following this there appeared the name of the lawyer donating this "premium". The Society wrote asking for an explanation as to how the above item came to be included in the flyer. The member's reply satisfactorily demonstrated that he had made it clear that his name was in fact not to appear. The question of participating even anonymously was then referred to the Committee for consideration. The Committee after due consideration expressed the opinion that to so participate was in bad taste as it could be interpreted as advertising.

4. LAW LISTS – RULING 16.5

The Committee considered an application for approval under Ruling 16.5 of a publication which combines "The American Bar", "The Canadian Bar" and "The International Bar". Satisfied that the guidelines that have been laid down in the past have been met, the Committee recommended that this publication be approved as a proper vehicle for the carrying of legal cards, notices or announcements.

5. The Society's attention was recently drawn to the 1977 issue of the Metropolitan Toronto Chinese Business Telephone Directory. This directory contained a number of legal notices. As it was not an approved publication under Ruling 16.5, the lawyers concerned were written and so advised. All those written have indicated that they will not place legal notices in future issues of the directory. Three members, when writing to the Society, stated that because a number of the Chinese people in Toronto do not have a working knowledge of English it was

felt that the Business Directory served a definite need. The Committee appointed a Sub-Committee to investigate and report back as to what can be done to assist the Chinese community in this regard.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–Mr. Seagram

Mrs. R. M. Tait presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 11th May, 1978.

The following members were present: Messrs. Seagram (Chairman), Farquharson, Rogers, Salhany, Strauss, Mrs. Tait, Messrs. Wallace, White, and Willoughby, and Miss A. R. McCormick.

BUDGET

The Secretary submitted a budget for the fiscal year July 1, 1978, to June 30, 1979. The Committee recommended approval of the budget for submission to the Finance Committee.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

GIFTS AND DONATIONS

The following donation was received by the Great Library:

Victor K. Colebourn, Q.C. Toronto	23 volumes of *Canada Law Reports* and *Ontario Law Reports.*

Noted

GREAT LIBRARY – OAK BOOKSTACK

The Chief Librarian reported that an additional bookstack is required in the north west end of the Main Reading Room of the Great Library. The Committee recommended that the purchase of a bookstack be *approved* at a cost of $527.50, subject to the approval of the Finance Committee.

AMERICAN ASSOCIATION OF LAW LIBRARIES

The Chief Librarian reported that the annual convention of the American Association of Law Libraries will take place June 25-28, 1978, in Rochester, New York. The Committee recommended that the Chief Librarian and one Assistant Librarian be permitted to attend this convention.

COUNTY LAW LIBRARIES

SPECIAL STATUS GRANTS

The Chief Librarian reported that she had received a request from the Hamilton Law Association as to the progress on its application for a Special Status Grant in the amount of $10,000. The Chief Librarian reported that there is a balance of $35,000 in the Special Status Grant approved by the Trustees of the Law Foundation. The Committee recommended that the application of the Hamilton Law Association be approved in the amount of $5,000.

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1977. The amounts of the grants to which they are entitled under the Regulation in 1977 and 1978 are as follows:

	1977	*1978*
Cochrane	$1,822.50	$1,822.50
Essex	2,000.00	2,000.00
Lanark	980.00	1,250.00
Lincoln	2,000.00	2,000.00
Perth	1,425.00	1,495.00

	1977	*1978*
Peterborough	2,000.00	2,000.00
Simcoe	2,000.00	2,000.00
Sudbury	2,000.00	2,000.00
Thunder Bay	2,000.00	2,000.00
Wellington	2,000.00	2,000.00

Approved, subject to the approval of the Finance Committee.

SUB–COMMITTEE ON LAW REPORTING
BLUE PAGES

The resolution of Convocation on April 21, 1978, directing the Committee to consider and report back to Convocation on a method to make the "Blue Pages" available to the profession on a subscription basis at cost was discussed and the Chief Librarian was asked to make a report on the cost.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. P. G. Furlong presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 11th May, 1978.

The following members were present: Messrs. White (Chairman), Cass, Furlong, Mrs. Legge, Messrs. Pomerant, Seagram, Strauss and Tobias.

1. The Committee approved of two accounts.

The budget of expenditures to be made by the Committee in the next fiscal year was discussed. The Committee recommended that the budget of the Unauthorized Practice Committee be approved for submission to the Finance Committee.

2. The Committee considered two letters of complaint concerning an agency which appears to offer some legal services.

The Committee recommended that this matter be referred to counsel for an investigation and, if there is sufficient evidence, a prosecution under Section 50 of The Law Society Act.

3. The Committee considered an inquiry from a solicitor who had been retained by an individual who wished to incorporate a company which would include the words "Italian Legal Agency" in its name. The Secretary was instructed to write the solicitor thanking him for his letter to the Law Society and to indicate that the Society does not approve of the use of the name "Italian Legal Agency" and to indicate that the solicitor should be careful of the advice that he gives to the individual incorporating the company so that the individual and the company do not hold themselves out as practising law.

4. The Secretary reported that he had received a letter from a solicitor enclosing a form letter which appeared to offer legal services to professionals. The Secretary was instructed to refer this matter to counsel for an investigation and an opinion as to whether there was sufficient evidence to justify a prosecution under Section 50 of The Law Society Act.

5. The Secretary reported that he had received complaints concerning a corporation. The Secretary was instructed to refer this matter to the Consumer and Corporate Affairs Department in Ottawa for an investigation.

6. The Secretary reported that he had received a letter indicating that an individual in Windsor had submitted Articles of Incorporation to the Companies Division of the Department of Consumer and Commercial Relations. The Secretary was instructed to telephone the Director of the Companies Division to find out how many companies had been incorporated by this individual in the last six months.

7. The Secretary reported that he had received a letter from a solicitor enclosing what appeared to be a brochure offering to incorporate companies. The Secretary was instructed to telephone the Director of the Companies Divison to see how many corporations have been incorporated by this agency in the last six months.

8. The Secretary reported that the Chairman of the Committee had written a letter to the President of the Trust Companies Association indicating that the Society had received complaints from members in respect of the actions of certain trust officers in the employ of various trust companies in advising on Wills which, in the opinion of the members of this Committee, might constitute the unauthorized practice of law and enclosed a copy of the Report of the Unauthorized Practice Committee as approved by Convocation on January 21st, 1966, which included a Joint Statement of Policy subscribed to both by the Law Society and the individual member companies of the Trust Companies Association of Canada.

The Chairman stated that he had received a letter from the President of the Trust Companies Association stating that he would make known to the members of the association the Joint Statement of Policy.

THE REPORT WAS RECEIVED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mrs. R. M. Tait presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 11th May, 1978.

The following members were present: Messrs. Pepper (Chairman), Cass, Willoughby and Mrs. Tait.

APPLICATIONS

The Committee considered applications for two grants. One application had been before the Committee at its April meeting and consideration of it deferred until the Committee's May meeting. The Committee recommended that a grant be made. The second applicant sought a grant to assist in financing the education of her son who had been accepted for admission to an American university. The Committee approved a grant to this applicant on condition that the son attend the said university.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

Mr. G. E. Wallace presented the Report of the Special Committee on Errors and Omissions Insurance of its meeting on Thursday, 11th May, 1978.

The following members were present: Messrs. Wallace (Acting Chairman), Outerbridge and Mrs. Legge. Mr. Stinton and Miss Morham were present at the Chairman's request.

MONTHLY REPORT

The monthly report was before the Committee.

Noted

REPEATERS

A memorandum from Mr. Stinton reviewing the basic statistics of claims was before the Committee.

This matter is to receive further consideration at the next meeting.

QUARTERLY FINANCIAL STATEMENT

A statement of the E. & O. Insurance Fund to March 31, 1978, was before the Committee.

Noted

REFUSAL OF COVERAGE

Corresponsence from Messrs. Getliffe & Cousins respecting a matter in which coverage was denied was before the Committee.

The Committee recommended that no action be taken and that the solicitors be advised that the matter is one between them and the insurance company.

STATISTICAL ANALYSIS OF CAUSES OF LOSSES

An analysis by Mr. Stinton was before the Committee for its information.

This matter will be discussed further at the next meeting.

THE REPORT WAS ADOPTED

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NOTICE OF MOTION: OFFICE OF TREASURER

Notice of the following motion to be placed before Convocation was received:

> THAT the Treasurer appoint a special committee to study the desirability of the office of Treasurer becoming a fulltime position to receive the salary of a Judge of the Supreme Court of Ontario, which committee is to report to Convocation no later than January, 1979.

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MOTION: ELECTION OF TREASURER

It was moved, seconded and *carried* that the method of election of Treasurer be referred to the Special Committee on Convocation and Election of Benchers (Common Committee) for reconsideration.

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CONVOCATION ROSE AT 4:45 P.M.

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Read in Convocation and confirmed 16th June, 1978.

G. D. FINLAYSON

Treasurer

THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 6

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 16th June, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Brulé, Carter, Carthy, Cass, Chappell, Farquharson, Fennell, Furlong, R. J. S. Gray, Ground, Guthrie (after his election), Kellock, Mrs. Legge, Messrs. Levinter, Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Pepper, N. MacL. Rogers, W. P. Rogers (after his election), Ruby, Salhany, Seagram, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace and White.

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MINUTES

The Minutes of Convocation of 19th May, 1978, were read and confirmed.

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RESIGNATION OF BENCHER ALBERT E. SHEPHERD, Q.C., LONDON

The Treasurer read a letter dated 29th May, 1978, from Mr. Albert E. Shepherd of London, tendering his resignation as a Bencher because of the pressure of other work. Mr. Shepherd was elected to the Bench on 15th June, 1973, to replace Mr. R. D. Steele who became a Bencher ex officio on that date, and was subsequently re-elected in the Benchers election in April 1975.

It was moved, seconded and *carried* that the resignation of Mr. *Albert E. Shepherd* be accepted with regret.

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ELECTION OF BENCHERS
WILLIAM P. ROGERS, Q.C., TORONTO
HUGH GUTHRIE, Q.C., GUELPH

Two vacancies having been caused in Convocation, the first upon the Treasurer becoming a Bencher ex officio following his election and the second upon the resignation of Mr. Albert E. Shepherd, Convocation proceeded to elect qualified candidates in accordance with the provisions of Section 22 (2) of The Law Society Act.

It was moved, seconded and *carried* that Mr. *William P. Rogers* of Toronto be elected to fill one of the vacancies in Convocation.

It was moved, seconded and *carried* that Mr. *Hugh Guthrie* of Guelph be elected to fill one of the vacancies in Convocation.

The Treasurer welcomed Messrs. Rogers and Guthrie to the Bench.

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APPOINTMENT OF AUDITOR

It was moved, seconded and *carried* that Messrs. *Clarkson, Gordon & Company* be appointed Auditors of the Society for the period of one year from 1st July, 1978.

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FEDERATION OF LAW SOCIETIES OF CANADA
APPOINTMENT OF REPRESENTATIVES

It was moved, seconded and *carried* that the *Treasurer* and the *Secretary* be appointed the Society's representatives to the Federation of Law Societies of Canada.

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RULES COMMITTEE, S.C.O.
APPOINTMENT OF REPRESENTATIVE

It was moved, seconded and *carried* that Mr. *B. H. Kellock* be appointed one of the Society's representatives on the Rules Committee, S.C.O., to replace the Treasurer (Mr. G. D. Finlayson) for the balance of the three-year term commencing 1st July, 1977.

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MEETING OF THE TREASURER AND THE CHAIRMEN AND VICE–CHAIRMEN OF STANDING COMMITTEES

The Treasurer presented the Report of the Meeting of the Treasurer and the Chairmen and Vice-Chairmen of the Standing Committees as presently constituted which took place on Tuesday, 13th June, 1978.

The following were present: The Treasurer (Chairman) and Messrs. Brulé, Carthy, Chappell, Cooper, Ground, Kellock, Mrs. Legge, Messrs. Lochead, Pallett and Seagram.

1. They recommend that the Special Committee on Errors and Omissions Insurance be designated a Standing Committee of Convocation by amending Rule 27 under The Law Society Act to include the following:

"10. Errors and Omissions Insurance."

and by the introduction of a new Rule 46a as follows:

"ERRORS AND OMISSIONS INSURANCE COMMITTEE

46a. The Errors and Omissions Insurance Committee is responsible to Convocation for all matters pertaining to indemnity for professional liability for members of the Society and shall make such recommendations to Convocation as it considers advisable to carry out its responsibilities. "

2. They recommend that the constitution of the Standing Committees for the ensuing year be as follows:

1. FINANCE: Brulé, Farquharson, Fennell, W. Gibson Gray, Ground,

Guthrie,* Henderson, O'Brien, Ogilvie, Pallett, Pepper, Sheard, Wilson.

2. LEGAL EDUCATION: Brulé, Carthy, Goodman, R. J. S. Gray, Ground, Henderson, Kellock, Orkin, Outerbridge, Pallett, N. MacL. Rogers, W. P. Rogers,* Salhany, Shibley, Tait, Thom.

3. ADMISSIONS: Brulé, R. W. Cass, R. J. S. Gray, Ground, Henderson, Legge, Pallett, Pepper, Sheard, Sutherland, White.

4. DISCIPLINE: All Members of Convocation

   – POLICY SECTION: Bynoe, Carnwath, Carrier, R. W. Cass, Chappell, Cooper, Furlong, Humphrey, Kellock, Lochead, Ruby, Sutherland, Willoughby, Zahoruk.

5. PROFESSIONAL CONDUCT: Bowlby, Bynoe, Carnwath, Carrier, Chappell, Cooper, Fennell, Goodman, Humphrey, Lochead, McWilliams, Orkin, Outerbridge, Pomerant, Strauss, Sutherland, Tobias, Zahoruk.

6. LIBRARIES AND REPORTING: Chappell, Farquharson, Goodman, N. MacL. Rogers, Salhany, Shibley, Strauss, Tait, Wallace, White, Willoughby.

7. UNAUTHORIZED PRACTICE: Carter, Chadwick, Furlong, Legge, McWilliams, Pomerant, Seagram, Strauss, Tobias, White.

8. PUBLIC RELATIONS: Bowlby, Carthy, Outerbridge, Pomerant, Seagram, Tobias, Williston, Willoughby.

9. LEGISLATION AND RULES: R. W. Cass, Common, Furlong, Legge, Orkin, Shibley, R. F. Wilson.

10. ERRORS AND OMISSIONS INSURANCE: Carthy, Kellock, Legge, Levinter, O'Brien, Outerbridge, W. P. Rogers,* Wallace.

11. LEGAL AID: Bowlby, Carnwath, Carter, Chadwick, Goodman, Guthrie,* Levinter, Ogilvie, Orkin, Ruby, Tait, Wallace.

* after election

11. LEGAL AID (Continued)

– NON–BENCHERS: R. E. Barnes, E. A. Cherniak, S. R. Ellis, L. K. Ferrier, C. R. Harris, Bernard Shaffer, A. C. Whealy.

– STUDENT REPRESENTATIVE: Reginald McLean.

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED to allow the Standing Committees to meet for the election of Chairmen and Vice-Chairmen, and RESUMED following the election.

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ELECTION OF CHAIRMEN AND VICE–CHAIRMEN

The reports of the Standing Committees as to the election of Chairmen and Vice-Chairmen were adopted as follows:

1. LEGAL EDUCATION: Chairman – J. C. Pallett; Vice-Chairmen – J. A. Brulé; G. F. Henderson.

2. ADMISSIONS: Chairman – J. D. Ground; Vice-Chairman – Laura L. Legge.

3. FINANCE: Chairman – P. B. C. Pepper; Vice-Chairman – J. A. Brulé.

4. DISCIPLINE: Chairman – G. H. Lochead; Vice-Chairmen – B. C. Bynoe; J. D. Carnwath.

5. PROFESSIONAL CONDUCT: Chairman – A. M. Cooper; Vice-Chairmen – H. G. Chappell; M. M. Orkin.

6. LIBRARIES AND REPORTING: Chairman – N. MacL. Rogers; Vice-Chairman – G. H. T. Farquharson.

7. UNAUTHORIZED PRACTICE: Chairman – J. G. M. White; Vice-Chairman – P. B. Tobias.

8. PUBLIC RELATIONS: Chairman – J. J. Carthy; Vice-Chairman – L. S. Willoughby.

9. LEGISLATION AND RULES: Chairman – P. G. Furlong; Vice-Chairman – M. M. Orkin.

10. ERRORS AND OMISSIONS INSURANCE: Chairman – B. H. Kellock; Vice-Chairman – I. W. Outerbridge.

11. LEGAL AID: Chairman – J. D. Bowlby; Vice-Chairmen – J. B. Chadwick; G. E. Wallace.

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APPOINTMENT OF SPECIAL COMMITTEE

The Treasurer informed Convocation that he had appointed a *Special Committee on House Counsel* with Mr. Noel Ogilvie as Chairman and Messrs. Brulé, Goodman, Shibley and Strauss as members.

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APPOINTMENTS TO SPECIAL COMMITTEES

The Treasurer reported as to changes in the following Special Committees:

(i) Special Committee on Advertising

The Treasurer informed Convocation that Mr. O'Brien had been appointed Chairman of the Special Committee on Advertising and that Messrs. Farquharson, Thom and W. Gibson Gray had been added as members. The Committee as reconstituted consists of the following: Messrs. O'Brien (Chairman), Carrier, Farquharson, Fennell, W. Gibson Gray, Henderson, Humphrey, Outerbridge, Pepper, Thom and White.

(ii) House Committee

The Treasurer announced that he had added Mr. Ruby to the House Committee. The Committee as reconstituted consists of the following: Mr. Carthy, Chairman; Mr. Brulé, Vice-Chairman; and Messrs. Carnwath, Pepper, Ruby, Sheard, Sedgwick and Thom.

(iii) Professional Organizations Committee

The Treasurer informed Convocation that he had named Mr. W. Gibson Gray to the Professional Organizations Committee so that the Committee consists of the following: Messrs. Thom (Chairman), Bowlby, Brulé, W. Gibson Gray, Henderson and Ogilvie.

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RETIREMENT OF COMPTROLLER MR. ALFRED E. BENNETT

Mr. *Alfred E. Bennett,* the Society's Comptroller, received the congratulations and good wishes of Convocation on his retirement after 43 years of membership on the staff of the Society. The Treasurer made a presentation to Mr. Bennett.

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ADMISSIONS COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 8th June, 1978.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. Legge, Vice-Chairman, Messrs, Cass, Ground and Mrs. Sutherland.

OCCASIONAL APPEARANCE

Jeffrey Gindin, of the Province of Manitoba, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina v. Holland.* Mr. Gindin complied with the requirements of Section 10 of the Regulation and presented a Certificate of Good Standing. He asked to receive his Call to the Bar of Ontario at the June Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidates, having successfully completed the Nineteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted Certificates of Fitness:

Howard Cary Cohen
Beverly Linda Craven Fien
John Garth Gillespie
Catherine Mary Harper
Peter Stanley Haskins
Douglas Jack Keshen
Nellie Maria Lanteigne
Terrence Wayne Nevins

Transfer from another Province

The following candidate, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $411, applied for Call to the Bar and to be granted a Certificate of Fitness:

Mary Elizabeth Burnham	Province of New Brunswick

The following candidates, having passed the comprehensive examination on Common Law and the examination set by the Examining Board, filed the necessary documents and paid the required fee of $511, applied for Call to the Bar and to be granted Certificates of Fitness:

David Neil Finkelstein	Province of Quebec
Jack Lightstone	Province of Quebec
Paul Albert Niebergall	Province of Quebec
Irwin Rudick	Province of Quebec
David Salomon	Province of Quebec
Margaret Skowronska-Binek	Province of Quebec

Call to the Bar for Occasional Appearance

At its meeting on 8th June, 1978, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a solicitor:

Jeffrey Gindin	Province of Manitoba

At its meeting on 12th April, 1978, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation governing "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking, he be called to the Bar and admitted as a solicitor:

William Stephan Grodinsky	Province of Quebec

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further two candidates having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course.

DIRECT TRANSFER

The Committee had before it an application for direct transfer to practise in Ontario from a Nova Scotia solicitor who sought to proceed under Regulation 4 (1). The application was approved.

DIRECT TRANSFER FROM QUEBEC

The Committee considered three applications for direct transfer to practise in Ontario from members of the Quebec Bar, all of whom sought permission to proceed under Regulation 4 (2). The Committee approved all three applications.

The Committee also considered a fourth application for direct transfer to practice in Ontario from a member of the Quebec Bar who sought permission to proceed under Regulation 3 (1) and 4 (1). This application was approved.

SPECIAL PETITION

A student who had completed two years of the Civil Law National Programme at the Law School of McGill University and then enrolled in the second year of the Economics Programme at McMaster University proposed to return to McGill University to complete the Civil Law degree and subsequently to complete the LL.B. degree. The student asked that the successful completion of this course of study be accepted as qualification for admission to the Bar Admission Course. This petition was approved.

REQUEST FOR CALL TO THE BAR

A candidate who had successfully completed the Bar Admission Course requested that he be called to the Bar. It had come to the Society's attention that he had been convicted of trafficking in cocaine and given a suspended sentence and two years' probation. Convocation had directed that he not be called during his probation. The Committee had before it confirmation that the probationary period had terminated and accordingly recommended approval of the request for Call to the Bar.

SURVEY OF THE MEMBERS IN THE PROFESSION

The Committee approved a form of questionnaire to be sent to those who graduated in the past two years to ascertain whether they have obtained work within the profession.

THE REPORT WAS ADOPTED

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REPORT OF THE SUB–COMMITTEE OF THE ADMISSIONS COMMITTEE FORMED TO CONSIDER REGULATION 9 – ADMISSION OF LAW TEACHERS

Mr. Pepper presented the Report of the Sub-Committee formed to consider Regulation 9 to be considered by Convocation. The Admissions Committee approved this Report.

The Sub-Committee, composed of Mr. P. B. C. Pepper, Chairman, Mrs. Legge and Mr. White, was appointed in September 1977 to review and make recommendations with respect to the terms of Section 9 of the Regulations made pursuant to the Law Society Act, which reads as follows:

> 9.–(1) The dean of a law school in Ontario that is approved by Convocation, upon application after he has entered upon the second consecutive year in that position, may in the discretion of Convocation, be called to the Bar and admitted as a Solicitor without examination.
>
> (2) A full-time member of the faculty of a law school in Ontario that is approved by Convocation, upon application after he has entered upon the third consecutive year in that position, may, in the discretion of Convocation, be called to the Bar and admitted as a Solicitor without examination.

This section was last reviewed in December of 1974 at which time it was decided that there should be no amendment.

The Sub-Committee met on the 24th May 1978, Mr. Pepper and Mr. White being present.

The members had before them various correspondence. In addition there was a breakdown of the occupations, as of February 1978, of those law professors who have become members of the Society during the period September 1955 to February 1978. A copy of the memorandum follows this report.

The Dean of Law at McGill University requested that the provisions of Section 9 be extended to include the Common Law staff who are teaching full-time in that university's common law programme. It is recommended that there be no such extension. The privilege granted by this section should remain limited to professors teaching in Ontario law schools.

A professor in the Department of Law at Carleton University requested that full-time faculty members of his department be permitted to make application under Section 9. It is recommended that this request be refused since the people in question are not members of a faculty of law and are therefore not subject to the discipline that exists in such a faculty.

It is recommended that there be no change in the provisions of Section 9. The Sub-Committee, however, is of the view that the Deans of the various law schools should be relied upon by the Society to make Section 9 work. It is therefore recommended that the Deans be advised that before they submit names of those professors making application under Section 9, they, the Deans, must be satisfied that the professors intend to remain in full-time service in the faculty of an approved law school in Ontario for at least five years after Call to the Bar in Ontario.

MEMORANDUM

From September 1955 to February 1978 – 140 professors called to the Bar and admitted as solicitors in Ontario.

In practice of law	22
With Government	11
Out of Province	24
Suspended (2 out of Province and 2 still teaching)	4
Otherwise employed	2
Elevated to Bench	1
Deceased	1
Resigned	2
No record of	1
Actually teaching	72

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Howard Cary Cohen
Beverly Linda Craven Fien
John Garth Gillespie
Catherine Mary Harper
Peter Stanley Haskins
Douglas Jack Keshen
Nellie Maria Lanteigne
Terrence Wayne Nevins
Mary Elizabeth Burnham
David Neil Finkelstein
Jack Lightstone
Paul Albert Niebergall
Irwin Rudick
David Salomon
Margaret Skowronska-Binek
Jeffrey Gindin
William Stephan Grodinsky

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ANNUAL MEETING: TIME AND PLACE 1978

It was moved, seconded and *carried* that the Annual Meetings of the Society for 1978 take place on Thursday, 19th October, 1978, at 2:00 p.m. in Convocation Hall at Osgoode Hall.

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CONFERENCE WITH COUNTY AND DISTRICT LAW ASSOCIATIONS: TIME AND PLACE 1978

It was moved, seconded and *carried* that the annual meeting of the Chairmen and Vice-Chairmen of the Standing Committees with representatives of the county and district law associations and representatives of the approved law faculties in the province take place on Thursday, 19th October, 1978, at 9:00 a.m., in Convocation Hall at Osgoode Hall.

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REMEMBRANCE DAY SERVICE: TIME AND PLACE 1978

It was moved, seconded and *carried* that the Society's Remembrance Day Service be held on Thursday, 9th November, 1978, at 12:30 p.m., at the Society's First World War Memorial in the Great Library at Osgoode Hall.

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LETTER OF APPLICATION FROM RODICA DAVID, BARRISTER AND SOLICITOR, WITH RESPECT TO RULING 9 OF THE PROFESSIONAL CONDUCT HANDBOOK

Convocation considered a letter dated 14th June, 1978, from Rodica David, a solicitor practising in Toronto, applying for permission to employ *Eric Samuel Colbert,* formerly of Sarnia, a disbarred lawyer, as a law clerk in her office for a period of approximately seven weeks, notwithstanding Ruling 9 of the Professional Conduct Handbook.

It was moved, seconded and *carried* that Rodica David be permitted to employ Eric Samuel Colbert as a clerk in her office, notwithstanding Ruling 9, and that she be advised of the purpose of Ruling 9, namely, to prevent disbarred lawyers from engaging in practice.

. . . .

SPECIAL COMMITTEE ON COMPETENCE IN THE PRACTICE OF LAW

Mr. Stuart Thom presented the Report of the Special Committee on Competence in the Practice of Law dated 16th June, 1978, a draft of which had been tabled at the May Convocation.

Possibly no aspect of the practice of law or for that matter of other professions such as medicine and accounting is of more immediate importance or raises more difficult questions than that of maintaining the competence of the practitioner. If this is not effectively accomplished, the public suffers and the profession will fall into disrepute. The problem is only to a lesser degree one of the lazy, careless, or even stupid lawyer. The major problem is that of keeping abreast of the proliferation of statutes and regulations from all levels of government and the directives, bulletins, and memoranda which are put out to explain the new and changed law, of following the increasing flow of jurisprudence in a multiplying range of reporting services and of attempting to keep in touch with the wealth of textbooks, reviews, and periodicals analyzing and digesting this mass of material. Both the burden that this places on the practitioner and the obligation to give the client the best service possible, require that the Law Society play a positive part in assisting and encouraging its members to maintain their competence. The continuing legal education program as it now operates goes a long way toward fulfilling this purpose. The seminars, lectures, and courses and the publications which the Legal Education Centre sponsors and publishes are valuable to those who take advantage of them. The next step which your Committee considers should be taken is to stimulate a larger participation by the Bar in continuing legal education opportunities on a programmed but still voluntary basis.

With this purpose in mind, your Committee proposes that lawyers who are prepared to conform to conditions laid down by the Society be permitted if they so desire to publicize areas of law in which they practise. This would be done by suitable announcements in newspapers and periodicals as well as in the usual legal directories and by listings in telephone directories under appropriate subheadings. The details of this part of the proposal and its application to firms could be worked out by the special committee on advertising. The announcement would take the form of a simple statement, viz.

John Smith, LL.B.
Barrister and Solicitor
Real Estate & Debtor and Creditor Rights

Words such as "specializing in," "practising in," "accredited in," and of similar import which imply a holding out or representation by the Society would not be allowed and the custom of announcing that "practice is restricted" to a particular field of law would be discontinued.

Permission to announce an interest in a particular area of law would be granted in the first instance upon the practitioner simply filing a statement, on a form provided by the Society, to the effect that the practitioner was knowledgeable in that area and was presently devoting or intended to devote an appreciable part of the practice to service to clients in that area.

Your Committee recognizes that this is a very low threshold to recognition as a practitioner in an area of law but is satisfied on balance that there is no alternative if any proposal of the nature put forward in this report is to become operative. On reflection it becomes apparent that the imposition of conditions such as to have been engaged in a field of law to a stipulated degree or for a particular length of time would result in inequitable treatment among practitioners unless supported by cumbersome tests or formulae. These in turn would lead to endless argument and dispute in attempts to monitor and enforce them even if they could be formulated. Your Committee is of the opinion that the risk of a few taking advantage of a privilege to which they are not entitled would be more than offset by the desirability of positive action in a desirable direction.

In order to continue to enjoy the privilege of publicizing areas of practice, practitioners would be required at least annually to confirm in writing to the Society that they continue to be engaged in the specified area of practice and that they had attended such lectures or seminars as had been available in that area and were prescribed or approved by the Supervising Committee. The Supervising Committee would be a committee with province-wide membership composed of practitioners with acknowledged standing in the particular area of law who would not necessarily be benchers. These committees would be constituted for the areas of practice or possibly for several related areas, recognized by the Law Society. They would be responsible to the Society through the Legal Education Committee either as presently constituted or as reorganized. Their function would be to monitor developments in the areas of law assigned to them, to arrange and prescribe courses of study and seminars, and to prepare instructional material with information regarding changes and developments in the law for the distribution to those who identified themselves as practising in the area.

RECOMMENDATION I

Your Committee recommends that a lawyer be permitted, if he so wishes, to publicize areas of law in which he wishes to practise, subject to the following restrictions, which may be amended from time to time –

(a) the area of practice be limited to the areas of practice as established by a committee of Benchers,

(b) the lawyer, before such publication, shall register with the Law Society, and shall not proceed with such publication until his application has been approved,

(c) the lawyer before such publication must join the group established by the responsible committee and shall maintain his membership therein so long as such publicity continues,

(d) that a fee be charged.

RECOMMENDATION II

Your Committee further recommends that the responsible Committee of Benchers establish a committee for each preferred area of practice and that each of these committees establish standards for membership in the area but particular emphasis being given to –

(a) periodical seminars, including lectures and group instruction,
(b) up-to-date mailing of changes in Statutes, case law, articles, etc. so that a member can keep apprised of that particular area of law.

The proposal to permit the publicizing of the preferred areas of practice rests on the assumption that economic self-interest will induce practitioners who register to take the necessary steps to continue to enjoy the resulting benefits. If and when the program becomes fully operative, it would impose a substantial additional burden on the responsibilities of the Legal Education Centre and additional staff would be required to handle the administrative features of the operation and prepare the educational material. Your Committee, therefore, feels that it would be in order to charge a fee on the filing of the statements that would be required from time to time.

Your Committee recognizes that cases might arise in which it would become necessary to take disciplinary action against practitioners who publicize their professional interests without filing the requisite statements or attending prescribed lectures or seminars. Both these matters can be monitored with relatively little difficulty.

There is another aspect to the problem of professional competence which should receive attention. This is the matter of the practitioner who conducts his practice with a degree of carelessness or ignorance that goes beyond reasonable limits. A program of voluntary improvement would not meet the exigencies of situations such as these and the possibility of taking disciplinary action against such practitioners should not be excluded. Your Committee does not consider, however, that action by way of disciplinary complaint will have other than a very indeterminable effect on the general level of competence within the profession whatever it might achieve in the particular case.

Another aspect of incompetence is lack of efficient office organization and sloppy business practices resulting in delays, missed filing dates, and failure to communicate adequately with the client, and so on. These are the predominant causes of complaints against lawyers and your Committee feels that the Society would be remiss if it did not make an effort to assist in correcting deficiencies of this nature. In this regard, your Committee has had the opportunity to consider a memorandum prepared by the Society's accountant Mr. Anderson, putting forward a scheme for a Practice Advisory Service. Mr. Anderson's proposal is that the Society would offer a free, confidential educational service on the request of practitioners who found themselves in difficulties. This service would be provided by a member of the Society's staff who had practical law office experience and training in or a strong aptitude for systems work. Advice and suggestions would be given in connection with all aspects of the legal practice. If, as a result of an inspection of a practitioner's office, either by invitation or a result of complaints from clients, it were found that the practitioner's conduct involved fraud or dishonesty or delinquency such as to require stronger measures, the situation would be referred to the Discipline Committee. It would be hoped, however, that because delivery of the advisory service would be confidential and in the first instance without ties to either the discipline or professional conduct side of the Society's activities it would be called on freely by practitioners who found themselves in difficulties for one reason or another. Your Committee feels that a service of this nature has many valuable features.

RECOMMENDATION III

That the Law Society establish a Practice Advisory Service for all members of the Society along the lines outlined above.

It was moved in Convocation, but not seconded, that the mandatory requirement respecting written confirmation to the Society, namely,

> "In order to continue to enjoy the privilege of publicizing areas of practice, practitioners would be required at least annually to confirm in writing to the Society that they continue to be engaged in the specified area of practice and that they had attended such lectures or seminars as had been available in that area and were prescribed or approved by the Supervising Committee." *(See p. 272).*

be re-considered.

The motion not being seconded was *not put.*

It was moved and seconded that the Report be tabled and referred to the Special Committee on Advertising.

Convocation considered this motion separately with respect to each of the three Recommendations contained in the Report. The motion was *lost* with respect to Recommendations I and II and *not put* with respect to Recommendation III.

A motion, duly seconded, to adopt the Report and Recommendations of the Special Committee was voted on separately with respect to each of the three Recommendations and each time Convocation voted to *adopt* the Recommendation *in principle.*

It was moved, seconded and *carried* that Recommendation III be implemented as soon as possible.

THE REPORT AS AMENDED WAS ADOPTED IN PRINCIPLE

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:40 P.M.

....

The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice C. L. Dubin of The Supreme Court of Ontario, Court of Appeal, and Mr. Alfred E. Bennett.

....

CONVOCATION RESUMED AT 2:25 P.M.

....

PRESENT:

The Treasurer and Messrs. Bowlby, Brulé, Carthy, Cass, Chappell, Farquharson, Furlong, R. J. S. Gray, Ground, Guthrie, Kellock, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Pepper, N. MacL. Rogers, Ruby, Salhany, Seagram, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace and White.

....

SPECIAL COMMITTEE ON ADVERTISING

Mr. Brendan O'Brien, Chairman, reported orally on the meeting of the Special Committee on Advertising held on Thursday, 15th June, 1978, when it was recommended that Mr. J. J. Robinette be retained to give his opinion of the validity of the Combines Act as it affects lawyers advertising their services and fees.

It was moved, seconded and *carried* that Mr. J. J. Robinette be so retained and asked to give the suggested opinion.

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Ground

Mr. J. D. Ground presented the Report of the Legal Education Committee of its meeting on Thursday, 8th June, 1978.

The following members were present: Mr. J. D. Ground, Acting Chairman, Messrs. Brulé, Carthy, Orkin, Salhany, Shibley, Thom and Mrs. R. M. Tait.

BAR ADMISSION COURSE – FACULTY – LONDON

It was recommended that the following appointment be made to the faculty of the Bar Admission Course in London:

> Claude M. V. Pensa, Q.C., Senior Instructor – Civil Procedure I replacing Angus L. McKenzie, Q.C., who has retired.

Approved

20TH BAR ADMISSION COURSE TEACHING TERM EXAMINATIONS AND CALL TO THE BAR

During the teaching term of the 19th Bar Admission Course three sets of examinations were held as follows: Firstly the eleven regular examinations during the course of the teaching term; secondly the special examinations written during the week commencing Monday, March 6th, 1978, which by ruling of Convocation became the first sitting of supplemental examinations as well as special examinations; thirdly the supplemental examinations written during the week commencing Monday, April 24th, 1978. The Heads of Section who are responsible for the setting of the examinations are unable to set three examinations per year and it was recommended that not more than two examinations in each section of the Course be offered in any year. The circumstances which gave rise to the three examinations system over the past year arose out of the concern of those candidates who were required to write special and/or supplemental examinations that their Call to the Bar would be thereby delayed for a period of three months or as was alleged by some candidates, six months.

It was proposed that in the teaching term of the 20th Bar Admission Course candidates who successfully pass all regular examinations during the teaching term should be Called to the Bar on the following dates:

Toronto	–	Thursday, April 5th, 1979
	–	Friday, April 6th, 1979
Ottawa	–	Monday, April 9th, 1979
London	–	Wednesday, April 11th, 1979

It was further proposed that prior to the end of March, 1979 examinations be offered in each examinable section of the Course in which candidates are required to write special and/or supplemental examinations and that candidates who complete their qualification for Call to the Bar at such examinations should be Called to the Bar on a date or dates to be determined and in any event not later than May 18th, 1979.

A candidate who for proper cause is unable to write one or more regular examinations during the teaching term and who thereby becomes entitled to write a special examination or examinations could fail one or more such special examinations without provision for a subsequent supplemental examination or examinations in accordance with the above schedule. It was proposed that should this event arise an oral examination or examinations as the case may be should be held in lieu of any further written supplemental examination or examinations.

Approved

BAR ADMISSION COURSE AND
DEPARTMENT OF CONTINUING EDUCATION
REVISED BUDGET ESTIMATES 1978–79

Revised Budget Estimates covering the Bar Admission Course and the Department of Continuing Education for the year 1978-79 were before the Committee. It was recommended that the budgeted deficit for the Bar Admission Course be the subject of an application for a grant to the Law Foundaton of Ontario.

Approved

SPECIAL PETITIONS

The Committee dealt with seventeen petitions, most of which were of a routine nature. Seven petitioners sought permission to defer entry into the teaching term of the Bar Admission Course in order to complete academic programmes or to continue for specified periods in their present employment. One petitioner sought deferment because of illness and financial problems. One petitioner, who had passed six examinations of the Bar Admission Course and failed five because of physical disability, had been given permission to write the supplemental examinations but had been unable to do so. This petitioner sought credit for the subjects passed and to be permitted to complete the Bar Admission Course by taking and passing the five failed subjects in the current teaching term. All nine petitions were approved. Six petitioners sought permission to vary the articling period in minor respects and these petitions were approved. A petitioner who had on two previous occasions been granted permission to enter the Bar Admission Course but had not done so again applied. Consideration of the petition was deferred pending the receipt of additional information respecting the petitioner's reasons for not having entered the Course previously and his activities since graduation. One petitioner who had received his LL.B. in 1969 sought permission pursuant to Regulation 26 (4a) to enter the articling term of the Bar Admission Course. Subsequent to graduation he had been employed as a marketing counsel with insurance companies in New York and Toronto and then as a partner and managing director of a lottery distribution company. The Committee recommended that this petition be denied.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1977 to 31st May, 1978 and reviewed a statement setting out the Continuing Education programmes presented during the month of May 1978 and the publications report for the month of May 1978.

BAR ADMISSION COURSE – OTTAWA PREMISES

The Director reported that the Teachers' College was not available to the Society inasmuch as the Ontario government had accepted it as feasible for a Provincial Court and while no decision had yet been made on the expenditure of the necessary funds, the time-frame within which the Society must act did not permit postponing action on Ottawa premises until that government decision had been made. The Director further reported that he was in the midst of negotiations for the Grand Seminary, Kilborn Avenue site, and had made a proposal to the University of Ottawa for designated parts of this building and services.

The Committee recommended that the Director be authorized to proceed with these negotiations with a view to settling a sub-lease with the University of Ottawa.

It was moved in Convocation, seconded and *carried* that the Treasurer and Secretary be authorized to execute a lease for one year on behalf of the Society to effect the arrangements set out in the last item of the Report of the Legal Education Committee and the terms of the letter of 15th June, 1978, instructing Mr. John G. M. Hooper, the Society's solicitor in this matter, and to authorize renovations at a cost not to exceed $20,000.

THE REPORT WAS ADOPTED

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Mr. Ground presented Reports with respect to petitions by way of appeal from failure by four student members in the 19th Bar Admission Course. The first two petitions were heard by the Legal Education Committee on Wednesday, 24th May, 1978, and the second two were heard on Thursday, 25th May, 1978.

On 24th May the Committee consisted of: Mr. J. J. Carthy, Chairman, Messrs. Orkin, Rogers, Ruby and Mrs. Tait. For the second matter Messrs. Ground and Thom also attended.

In each case the Committee heard and considered the documentary evidence presented by the Director of Legal Education and the viva voce evidence of the candidate.

In each case the Committee (one member dissenting) was unable to find such exceptional or extenuating circumstances as to justify a finding that the candidate ought to have been regarded as having passed the Bar Admission Courts and could not recommend admission of the candidate.

On 25th May the Committee consisted of: Mr. J. D. Ground, Chairman, Messrs. Carthy, Kellock, Ruby, Thom and Mrs. Tait.

In each case the Committee heard and considered documentary evidence presented by the Director of Legal Education and the viva voce evidence of the candidate.

In the first case the Committee was prepared to make a recommendation with respect to the candidate's appeal. However, further information had come to the attention of the Society which raised the question of the candidate's qualifications to be called to the Bar and this information was referred to the Admissions Committee. The Committee therefore recommended that the matter stand until the Admissions Committee reports to Convocation.

In the second case the Committee felt that there were extentuating circumstances relating to a situation in which the candidate found himself during a period of the Bar Admission Course and but for these circumstances the candidate would have successfully passed the Bar Admission Course. The Committe recommended that the appeal be allowed.

THE REPORTS WERE ADOPTED

. . . .

DRAFT PROPOSALS OF THE SUB–COMMITTEE (LEGAL EDUCATION COMMITTEE) FORMED TO REVIEW THE BAR ADMISSION COURSE

Mr. J. J. Carthy, Chairman, presented a draft Report of the Sub-Committee formed to review the Bar Admission Course dated 16th June, 1978.

TO THE LEGAL EDUCATION COMMITTEE

Your Sub-Committee begs leave to report:

Your Sub-Committee, consisting of James Carthy, Chairman, and Messrs. Brulé, R. J. S. Gray, Ground, Kellock and Thom, was appointed on the 12th February 1976 to consider the form, content and purpose of the Bar Admission Course and the approved courses leading to the degree of LL.B.

Your Committee has met eight times and in addition has met with the Deans of the approved law schools in Ontario, representatives of the Faculty of the Bar Admission Course, representatives of students in the course with interested members of the profession and with members of the Ontario Legal Education Council.

The Bar Admission Course has been widely recognized as an innovative and successful programme of legal education. It has, however, been criticized as being too long, too regimented and as being oriented toward examinations which, however, did not provide an adequate test, being chiefly of the multiple choice type. The printed materials provided during the teaching term of the Course are generally recognized as being of great value. The increase in the number of students in the teaching term from approximately 200 in the early 1960's to about 1,100 currently, has taxed the physical facilities, led to the establishment of divisions of the Course in Ottawa and London and caused an increase in the cost of conducting the Course out of proportion to the increase in the number of students. In addition, the students themselves in many instances have increased living costs and the expenses of moving. It takes approximately one year longer to become qualified in Ontario than in other Canadian provinces. There has been criticism of the teaching methods which include the use of televised or video-taped lectures to large groups, and compulsory attendance. Originally the teaching term of the Course was intended to make good the deficiencies of the students' articling experience, which, though necessarily uneven, was considered to be the most important part of the student's practical training. Consequently those students who receive the best training during articles find the teaching term to some extent redundant, though they value the printed materials and recognize the necessity for examination before call to the Bar. The morale in the teaching term is less than satisfactory.

A number of improvements have been made recently in the teaching portion of the Bar Admission Course. All of the examinations have returned to the essay form and the multiple choice type of examination has been discontinued entirely. The courses have been rearranged so as to follow one another in a more appropriate sequence. A mid-term break has been introduced and a number of other administrative improvements made.

Since the approved LL.B. degree came into existence in 1957, the number of approved law schools has increased to six in Ontario, plus eight others across Canada. The basis of the original approval was spelled out in some detail and included a requirement that eleven so called core subjects be taught. In respect to some of them, the year in which they were to be given was also specified. In 1968 at the request of the Ontario Law Deans, the Society agreed to a reduction in the number of required core subjects to seven. The core subjects which were dropped were: Evidence, Wills and Trusts, Corporation Law, and Taxation. Other changes have occurred as well. There is greater diversity among the contents and teaching techniques in courses bearing the same name than in 1957, and it has become increasingly difficult to be sure that the substantive law has been appropriately covered in all necessary areas so as to form the basis upon which to build the practical training acquired in the Bar Admission Course. In some areas it has become necessary to include in the Bar Admission Course teaching term, instruction in substantive law which might more appropriately have been covered during the LL.B. course. Also there has been a tendancy for the material in each section of the course to expand, both because it has accumulated during the twenty years the Course has run, and because each Head of Course has naturally tried to improve his section and make its work as complete as possible. The result has been a compaction of the material the students are expected to cover because the time in which it must be done has remained the same. The numbers of candidates passing through the Course has grown from less than fifty at the beginning to over one thousand. Conducting a Course of this size, carried on in three locations has inevitably involved a degree of regimentation and rigidity which lessens its effectiveness and in turn contributes to the brittleness of the morale.

The Law Society is responsible to the public for the quality of those licenced to practise law in Ontario and consequently for prescribing the educational training needed to bring them to the accepted standard for examination and call to the Bar. In this connection your Sub-Committee has considered the methods used in a number of other jurisdictions, particularly in the United States where the licencing authority for the profession administers Bar examinations covering the substantive law. Your Sub-Committee feels, however, that the introduction of that system here would be a retrograde step. Your Committee favours a return to the original division of functions between the academic law school education and the practical training which logically follows it and is based upon it. The Society must be assured that the grounding in the substantive law is complete and appropriate so that the practical component can be built on this foundation and adequately tested by examination. It also favours a reduction in the number of those who attend the teaching portion of the Bar Admission Course to those who require to be taught by those methods. This would work a reduction in the structural framework of the Course and in the cost of it and also reduce the overall length of a legal education for the majority of candidates. Specifically your Committee makes the following recommendations:

1. that as a prerequisite to student membership in the Society applicants will need to have covered during the LL.B. course the following core subjects: Civil Procedure, Constitutional Law of Canada, Contracts, Criminal Law and Procedure, Personal Property, Real Property, Torts, Evidence, Wills and Trusts, Family Law, Taxation, Corporate and Commercial Law, and that the contents of those courses be specified with sufficient particularity so that the practical training and material can be designed with assurance that adequate knowledge of the substantive law has been attained. To this end, the liaison between the Heads of Courses in the Bar Admission Course and the professors teaching the subjects in the law schools should be regularized and continued. Students entering the LL.B. courses should be told that armed with a thorough knowledge of these areas of the substantive law, a knowledge of the practical material and a reasonable exposure to the requirements of practice during service articles they should expect to pass the necessary examinations without undue difficulty.

2. that the examinations and course sections referred to below be limited to testing and teaching the practical aspects of the following areas:

   (list)

3. that the type of material that is now distributed during the teaching

portion of the Bar Admission Course be distributed to the students at the beginning of their articling term.

4. that there be an articling term of 12 months commencing in May of each year and that seminars in the various areas listed in paragraph 2 above be made available in centres where there is a sufficient demand and that such seminars be held during evenings or on Saturday mornings.

So far as the examinations are concerned, it is suggested:

5. that at the end of each articling term, examinations in the areas listed in paragraph 2 above be available during the month of June and that students who elect to write all such examinations and pass them all be called to the Bar as soon as possible, probably in early September.

6. that students elect and give notice in writing to the Bar Admission Office on or before April 1st of the examinations which they intend to write in June.

7. that students who, through illness or some other acceptable reason, do not write some or all of the June examinations be permitted to take oral special examinations in the month of August in the sections they have not already passed.

8. that the teaching portion of the Bar Admission Course be conducted during the period from September to February and that students who elect not to write the June examinations in one or more sections or who fail the June examinations in one or more sections, be required to complete the teaching portion of the Bar Admission Course in the sections they have not already passed and to pass examinations, to be held at intervals during the teaching portion of the Bar Admission Course, in the sections they have not already passed; that students taking sections of the teaching portion of the Bar Admission Course be called to the Bar when they have passed examinations in all the areas listed in paragraph 2 above.

9. that students who, through illness or some other acceptable reason, do not write the examinations at the end of the sections of the teaching portion of the Bar Admission Course be permitted to take oral special examinations in early March.

10. that students who fail sections of the teaching portion of the Bar Admission Course be permitted to write the subsequent June examinations in such sections as supplementals.

11. that students who do not write or who fail the June examinations at the end of their articling term in certain sections of the Bar Admission Course and who fail the examinations during the teaching

term and the subsequent supplemental June examinations must discontinue.

Your Committee is aware that its recommendations, if adopted, would involve administrative problems, particularly in connection with recommendations 5 to 10 and that there may be concern that those who must attend the teaching term of the course will be delayed in qualifying, and also that under the proposed plan the future of the classroom portion of the Course in its present form becomes uncertain. In addition it is difficult to foresee the effect on the articling experience of the imposition of examinations at the conclusion of articles in the Spring. Solutions to these problems should be sought through further discussions.

TABLED, with the direction of Convocation that the proposals be circulated to the profession and generally as may seem appropriate to the Legal Education Committee.

. . . .

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

Mr. J. J. Carthy, Chairman, presented the Report of the Special Committee on Errors and Omissions Insurance of its meeting on Thursday, 8th June, 1978.

The following members were present: Messrs. Carthy (Chairman), Wallace and Mrs. Legge. Mr. Doner was present at the Chairman's request.

MONTHLY REPORT

Mr. Stinton's monthly report was before the Committee.

Noted

LOSS PREVENTION MANUAL

The question was before the Committee whether the Society's Loss Prevention Manual should be made available generally or if distribution is to be restricted, what restrictions should be placed on it, and what price, if any, should be placed on the manual.

The Committee recommended that the manual be made available generally at a competitive printing cost.

GUARDIAN TAIL

A memorandum from Mr. Stinton dated June 1st was before the Committee respecting two matters thought to have been closed but which have now been re-opened.

Noted

THE REPORT WAS ADOPTED

. . . .

LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. P. G. Furlong, Chairman, presented the Report of the Legislation and Rules Committee of its meeting on Thursday, 15th June, 1978.

The following members were present: Messrs. Furlong (Chairman), Orkin and Shibley, and Mrs. Legge.

AMENDMENTS TO RULES 33, 34 AND 50

The Report of the Finance Committee which was approved by Convocation on the 19th of May 1978, contained amendments relating to the assessment and collection of annual fee and Compensation Fund levy. The Committee reviewed the draft amendments and recommended that the following parts of the existing rule 50 which read

> "ANNUAL
>
> An annual fee is payable by every barrister and solicitor on or before the 30th day of November in each year in such amount as Convocation may from time to time determine."

> "COMPENSATION FUND
>
> A Compensation Fund levy is payable by every barrister and

> solicitor on or before the 30th day of November in each year in such amount as Convocation may from time to time determine. ”

be deleted and the following paragraph substituted therefor:

ANNUAL

> Unless otherwise exempted every member of the Society shall pay an annual fee, to include a Compensation Fund levy, for each financial year of the Society in an amount to be determined by Convocation. The annual fee shall be due and payable on the 1st day of October in each financial year, or if a member is readmitted or restored to membership on a date subsequent thereto then on such date. The annual fee is not payable by a member for the financial year in which such member is first called to the Bar and admitted as a solicitor.

The above report also recommended a change to this rule so that retired members and incapacitated members would not be required to pay the annual fee and Compensation Fund levy. Therefore, the Committee recommended that the following part of rule 50 which reads

> “ RETIRED AND INCAPACITATED MEMBERS
>
> Any member who,
>
> (a) is over 65 years of age and is permanently retired; or
> (b) is permanently disabled,
>
> may apply to continue his membership in the Society at a reduced annual fee of .... $25 ”

be deleted and the following substituted therefor:

RETIRED AND INCAPACITATED MEMBERS

> Any member who,
>
> (a) is over 65 years of age and is permanently retired from the practice of law; or
> (b) is permanently disabled and therefore unable to

practise law,

may apply to continue his membership in the Society without payment of the annual fee.

Further reference to reduced fee in this part of rule 50 will require rewording so that the paragraph which reads

> "Any former member who,
>
> . . . .
>
> (b) has permanently retired but wishes to resume his membership in the Society,
>
> may apply to the Society to have his membership restored at the reduced annual fee of $25 without payment of a re-admission fee."

should be amended to read as follows:

> Any former member who,
>
> . . . .
>
> (b) has permanently retired from the practice of law but wishes to resume his membership in the Society,
>
> may apply to the Society to have his membership restored without payment of a re-admission fee or an annual fee.

As a result of the above amendments, the following paragraph is no longer required and should be deleted:

> "So long as a member is entitled to pay a reduced annual fee, he is not liable to pay any Compensation Fund levy."

The above-mentioned report also recommended changes to rules 33 and 34 to reflect both the change in the Society's financial year and the change in the date that the annual fee is due.

Subrule 1 of rule 33 reads as follows:

> " ESTIMATES
>
> 33.–(1) Every standing committee of Convocation shall not later than at its September meeting in each year consider and adopt an estimate in respect of its operations for the current financial year and submit such estimate forthwith

thereafter to the Finance Committee."

The Committee recommended that the words "at its September meeting" in the second line be deleted and that the words "at its May meeting" be substituted therefor and that the word "current" in the fourth line be deleted and the word "ensuing" be substituted therefor.

Subrules 2 and 3 of rule 34 read as follows:

> "34.–(2) The Finance Committee shall make recommendations from time to time with respect to the fees and levies of members and student members and, without limiting the generality of such duty, shall annually recommend the amount of the annual fee and of the Compensation Fund levy to be due and payable by the members of the Society on or before the 30th day of November.
>
> (3) The Finance Committee shall, at a meeting of the Committee to be held annually before the October Convocation, consider the estimates submitted to it by the other standing committees as required by rule 33 and report upon these to the October Convocation. "

The Committee recommended that subrules 2 and 3 of rule 34 be deleted and the following substituted therefor:

> 34.–(2) The Finance Committee shall make recommendations from time to time with respect to the fees and levies of members and student members.
>
> (3) The Finance Committee shall, not later than at its regular meeting in June in each year, consider the estimates submitted to it by the other standing committees as required by rule 33 and report upon these and make recommendations as to the amount of the annual fee and the Compensation Fund levy to the regular June Convocation.

RULES TO SET UP COMMITTEES

For the purpose of enabling the concurrent sitting of two portions of the Discipline Committee hearing separate complaints, rule 27a. has been created:

> 27a. For the purposes of sections 33, 34, 35, 37 and 38 of The Law Society Act any three benchers who are members of the Discipline Committee constitute a committee of

Convocation and more than one such committee may conduct a hearing or inquiry contemporaneously.

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

The Report of the Chairmen and Vice-Chairmen dated 13th June 1978 which will be before Convocation on the 16th of June contains a recommendation that the above special committee be designated a standing committee of Convocation.

The Committee recommended that the existing rule 27 be amended by adding the following:

> 10. Errors and Omissions Insurance.

The Committee recommended that rule 46a. be created as follows:

> ERRORS AND OMISSIONS INSURANCE COMMITTEE
>
> 46a. The Errors and Omissions Insurance Committee is responsible to Convocation for all matters pertaining to indemnity for professional liability for members of the Society and shall make such recommendations to Convocation as it considers advisable to carry out its responsibilities.

TRANSFER OF LAWYERS FROM OTHER PROVINCES

Pursuant to the recommendation of a sub-committee of the Admissions Committee which was adopted by Convocation on the 21st of April 1978 and referred to this Committee for implementation, this Committee recommended that subsection 3 of section 4 of the Regulation be revoked.

THE REPORT WAS ADOPTED

....

MOTION: COMPENSATION FUND LEVY 1978/79

It was moved, seconded and *carried* that the Compensation

Fund levy for members of the Society for the fiscal year 1978/79 be $30 per member.

. . . .

SPECIAL PETITION: TED ROLAND LAAN

Ted Roland Laan wrote the Benchers by letter dated 13th June, 1978, requesting consideration of his Special Petition which was submitted too late for consideration by the Admissions Committee at its meeting on Thursday, 8th June 1978.

Ted Roland Laan obtained his LL.B. degree from Osgoode Hall Law School in 1977. He commenced his period of articles on the 23rd day of May, 1977 with Carl A. Stone, Q.C., of the firm of Stone and Stiff. He completed an application for admission to student membership in the Society and mailed this together with a photograph and a cheque in the sum of $101.00 to the Law Society on or about the third week in August, 1977. Not expecting a reply until the summer of 1978, he did not discover that the Society had not received his application until he telephoned the Society on 8th June, 1978. Mr. Laan requests permission for late filing of his application for admission to student membership in the Society.

It was moved, seconded and *carried* that Ted Roland Laan be granted permission for late filing of his application for admission to student membership in the Society and that he be admitted as a student member of the 20th Bar Admission Course.

. . . .

FINANCE COMMITTEE—Mr. Pallett

Mr. J. A. Brulé, Vice-Chairman, presented the Report of the Finance Committee of its meeting on Monday, 5th June, 1978, with respect to the Society's Budget for 1978/79.

The following members were present: Messrs. Pallett

(Chairman), Brulé (Vice-Chairman), Fennell, Ground, O'Brien, Ogilvie and Pepper.

1978/79 BUDGET AND ANNUAL FEE

It appears that the surplus for the year which will end 30th June, 1978, is likely to be greater than estimated. 1977/78 was budgeted to provide a surplus of $5,000 whereas it now appears likely to be substantially higher.

Only ten months figures are available, but based on these it is likely that the following items will contribute to this favourable position:

1. It was expected that the building programme would have involved bank borrowing some months ago and the 1977/78 Budget provided net interest expense (i.e., interest expense in the latter part of the year exceeding interest earned in the first part of the year) of $30,500. In fact, no interest expense has been incurred, and interest earned for the year will be some $55,000, thus creating a favourable result of $85,000.

2. Other income items which will exceed estimates are expected to add to this year's surplus by the following additional amounts:

Admission Fees	$11,000
Call Fees	8,000
Discipline Expense – Recovery	20,000
Other Income	7,000
	$46,000

3. Some committees provided estimates of 1977/78 expenditure which will not be incurred prior to 30th June 1978 since their planned programmes have not materialized. The main items and the amount of budgeted expenditure to be saved are as follows:

Legislation and Rules Committee	$30,000
Professional Conduct Committee	6,000
Public Relations Committee	7,000

Unauthorized Practice Committee	10,000
Muniments and Memorabilia Committee	1,000
Finance Committee:	
Alterations and Repairs	20,000
Occasional Reports	15,000
	$89,000

4. The Department of Continuing Education expected to provide a surplus of $14,000 but in the first ten months of 1977/78 had already shown a surplus of $99,000. After year end adjustments, it is expected that Continuing Education will still be some $75,000 better than budget.

5. The items detailed in paragraphs 1 to 4 total $295,000 and since there are only minor instances of expenditure exceeding budget, it appears likely that the 1977/78 surplus will be in the area of $300,000.

Turning now to 1978/79 Estimates, there are a number of requests for increases in expenditure. Most of these are the result of salary increases already approved and increases in number of employees.

Salary increases for existing employees (excluding those whose salaries are charged directly to The Law Foundation of Ontario or are covered by Law Foundation library grants) total $170,000, of which $100,000 affects this budget, the remainder being applicable to Legal Education.

Increases in number of employees and salary costs ascribed thereto are:

Professional Purposes:

Assistant Secretary	$27,250
Two secretaries	25,000
Auditor	22,000

Administration & Finance:

Clerk (Bookkeeping)	8,500
Commissionaire	8,000

Clerk (Records) – formerly temporary	9,210
Data Entry Operator – formerly temporary	11,052
Two Clerks – Lawyer Referral	17,000

Great Library:

Library Assistant to replace employee allocated to Administration	11,110
Clerk Typist	8,000

Building & Grounds:

Additional Janitor	11,853

Referring to the Professional Purposes employees, the Discipline Committee in its estimates allowed only for the addition of an Auditor. Subsequent to the Committee approving its estimates, the Chairman and Vice-Chairman have stated their intention to seek approval for the additional positions referred to above at the meeting of the Policy Section on 8 June 1978.

In the Administration and Finance Area, the cost of the requested new employees will be partially offset by the saving in the salary of the retiring Comptroller which would have been $27,841 in the 1978/79 year. Changing two temporary positions into permanent is likely to increase costs by some $5,000 in a year.

Two additional clerks for Lawyer Referral will enable this service to be set up on a province-wide basis in 1978/79. Existing arrangements under which the Society pays the salary of an employee of Carleton Law Association and half the salary of an employee of Middlesex Law Association will be discontinued.

The transfer of Mr. A. Thompson to Administration increases Finance Committee estimates. The addition of a clerk-typist in the Library has been approved by the Library Committee.

An additional janitor has been requested by the Building

Superintendent. Increased workloads have resulted from the new building layout. Mr. Michael Hinzel no longer is allocated for part of the year to janitorial work.

The net effect of all additions less savings referred to above is $103,000 for the year.

Looking at disbursements overall, but excluding Legal Education, estimates total $3,166,000 (including an allocation for capital expenditure of $375,000) compared to the current year's budget of $2,728,000, although not all of that will be spent.

Apart from salary increases and additional staff already referred to, there are the following increases in estimated expenditures as compared to current year's budget:

Discipline Committee – General (mainly outside counsel)	$38,000
Legislation and Rules Committee	8,000
Public Relations Committee	10,000
Canadian Law Information Council	25,000
Libraries and Reporting Committee:	
Special Account	19,633
Ontario Reports	31,000

The Department of Continuing Education is again budgeting a surplus from its activities, expected to be $42,329 in 1978/79. Bar Admission Course is expected to incur a deficit of $712,004 as Course Fees and Government Grant fall short of expenditure.

Part of the increase in the cost of the Course is due to expected cost of providing space in Ottawa, likely to jump from $8,000 in 1977/78 to $170,000 in 1978/79. Overall Bar Admission Course costs go from $1,536,754 to $1,802,504 and costs per student from $1,567 to $1,639.

Student fees were last increased (from $475 to $575) in September 1977. Consideration should be given to an increase effective September 1979.

For the purpose of this budget, it has been assumed that The Law Foundation of Ontario will make a grant equal to the Bar Admission Course deficit, although a formal application has yet to be made. A Foundation grant of $712,004 is equivalent to $61 in the amount of members' Annual Fees.

It has been assumed, therefore, that no account need be taken of the Bar Admission Course deficit. It has also been assumed that this coming year's operations should not take account of the current year's surplus.

Recommendation:

The Committee recommended that the Annual Fee be increased $25 to $240 for the 1978/79 fiscal year, and that the Budget be approved.

THE REPORT WAS ADOPTED

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MOTION: ANNUAL FEE FOR 1978/79

It was moved, seconded and *carried* that the annual fee for membership in the Society for the fiscal year 1978/79 be $240 per member, exclusive of the Compensation Fund levy.

. . . .

MOTION: CHEQUE SIGNING RESOLUTION

It was moved, seconded and *carried* that the Resolution before Convocation with respect to the signing of cheques drawn on the Society's account with the Canadian Imperial Bank of Commerce by means of facsimile signature affixed with a cheque signing machine and manual signature of one or more officers of the Society be approved by Convocation for execution by the Society and delivery to the Bank as provided in the said Resolution.

. . . .

Mr. Brulé presented the Report of the Finance Committee of its meeting on Thursday, 8th June, 1978.

The following members were present: Messrs. Pallett (Chairman), Brulé (Vice-Chairman), Farquharson, Ground, Ogilvie and Pepper.

ROLLS AND RECORDS

Appointments to the Bench

Fabian Hugh Poulin Ottawa	Called – 16 September 1960 Appointed County Court Judge, Judicial District of Ottawa-Carleton – 1 May 1978
John Douglas Ryerson Walker St. Thomas	Called – 26 March 1965 Appointed Provincial Judge, County of Lambton – 25 January 1978
Francis John Greenwood, Q.C. Toronto	Called – 24 June 1954 Appointed County Court Judge, Judicial District of York – 27 April 1978
John Gilbert, Q.C. Toronto	Called – 21 June 1951 Appointed County Court Judge, Judicial District of York – 27 April 1978
Stuart Powell Webb, Q.C. Toronto	Called – 25 June 1953 Appointed County Court Judge, Judicial District of York – 27 April 1978

Deaths

John Arpad Cattanach, Q.C. Markham (Life Member)	Called – 19 May 1921 Died – 14 May 1978

Elmer Joseph Isaac, Q.C. Toronto	Called – 20 January 1938 Died – 15 May 1978
David Conrad Lyons, Q.C. Toronto	Called – 28 June 1956 Died – 11 May 1978
Edward Walter Tyrrill, Q.C. Fort Erie (Life Member)	Called – 10 February 1927 Died – 21 May 1978
Patrick Joseph Flynn, Q.C. Cambridge	Called – 19 November 1931 Died – 24 May 1978

Noted

MEMBERSHIP UNDER RULE 50 – RETIRED MEMBERS

John Colin Armour Campbell, Q.C. of Ottawa, who is sixty-five years of age and over and who is fully retired from the practice of law and other employment, requested permission to continue his membership in the Society at a reduced annual fee of $25. His formal application was before the Committee.

Approved

CHANGE OF NAME

Philip Grodinsky, a student member, requested that his name be changed on the rolls of the Society to Philip *Gordin.* His Petition and a copy of an Order of His Honour Judge Wren dated 15th December, 1977 were before the Committee.

Elizabeth May Marchand, a student member, requested that her name be changed on the rolls of the Society to Elizabeth May *Harney,* her married name. Her Petition and a copy of her marriage certificate were before the Committee.

Karen Terese Voll, a student member, requested that her name be changed on the rolls of the Society to Karen Terese *Voll-Ingram,* thus including her married name. Her Petition and a copy of her marriage certificate were before the Committee.

Deborah Kristin Livingstone, a solicitor practising in London, requested that her name be changed on the rolls of the Society to Deborah Kristin *Goodwin,* her married name. Her Petition and a copy of her marriage certificate were before the Committee.

Holly Davidson Millen, a solicitor practising in Toronto, requested that her name be changed on the rolls of the Society to *Holly Davidson,* her maiden name. Her Petition was before the Committee.

Approved

TAXATION OF COSTS OF LAW SOCIETY

Mr. John A. B. Macdonald, Counsel for the Society, asked for instructions as to whether the Law Society should proceed to tax its costs against Mr. *Voratovic.* Mr. Macdonald's letter dated 24 May, 1978 was before the Committee.

The Committee recommended that if the matter is not appealed the costs be taxed.

AUTHORITY TO RETAIN OUTSIDE COUNSEL

Authority was requested to retain outside counsel to represent the Law Society on the motion by Mr. *Louis Cohen* for a mandamus requiring the Deputy Crown Attorney for the Judicial District of York to lay criminal charges.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing law associations which had sent in their Annual Returns for 1977 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1977 and 1978. The Libraries and Reporting Committee approved these grants at its meeting on 8 June 1978, subject to the approval of this Committee.

Approved

ONTARIO RETAIL SALES TAX

The Assessment of $8,155.60 plus interest of $907.34 was reduced to $5,950.21 plus interest of $846.04. The reduction was achieved by objecting to the inclusion in the Assessment of some items which the Ministry of Revenue, Retail Sales Tax Branch, originally felt to be taxable. It was established that the Bar Admission Course is an educational establishment for Sales Tax purposes and thus enjoys a lower rate of tax on material printed for its own use.

Noted

TREES IN GROUNDS OF OSGOODE HALL

Cedarvale Tree Services Limited submitted a quotation of $640 to preserve the large horse-chestnut tree located on the east side of the front lawn. As there was some urgency, the Chairman of Finance authorized this work to commence and the Committee was asked for its ratification.

Approved

BARRISTERS' DINING ROOM

A member of the Society, a Deputy Crown Attorney, raised the question of members having as guests in the Barristers' Dining Room clients who are appearing in Court on Criminal charges. In one particular instance, the client had a previous conviction for break and enter and theft and was on trial on some sixteen counts of break and enter, theft and possession of stolen property.

The Committee was asked to review the letter from the member to determine whether any policy should be set.

The Committee recommended that members be reminded that they should not bring as guests to the Barristers' Dining Room clients who are currently involved in court proceedings.

STUDENT CAFETERIA

In accordance with past practice, it was necessary to subsidize the Student Cafeteria for losses incurred on examination days. Because examinations are held away from Osgoode Hall, there is a substantial drop in sales on these days but the fixed costs of staff remain unchanged. The subsidy for 1977/78 is $3,311.04 compared to $1,427.80 last year, and the Committee was asked to approve this payment.

Approved

THE REPORT WAS ADOPTED

. . . .

BUILDING COMMITTEE

The Treasurer presented the Report of the Building Committee of its meeting on Thursday, 15th June, 1978.

The following members were present: Messrs. G. D. Finlayson (Chairman), Farquharson, Levinter, Ogilvie, Pepper and Thom. Mr. Heeney was also present.

BUILDING PROGRAMME – PROJECT NO. 75–01

Garage Exhaust

A letter dated 12th June, 1978, from Mr. Heeney was before the Committee. Mr. Heeney outlined alternate methods of disposing of the exhaust from the underground garage. The most desirable method would involve an expenditure of $12,980 and the Committee was asked for instructions.

The Committee recommended that Mr. Heeney be instructed to proceed with the installation he recommended at a cost of $12,980.

THE REPORT WAS ADOPTED

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 7th June, 1978.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Chadwick, Ellis, Ferrier, Mrs. Jarmain, Messrs. Jones, Lamb, Michon, McLean, Ogilvie, Ruby, Mrs. Smyth, Mr. Wallace.

Sidney Linden, solicitor, Toronto, was also in attendance as an observer for the Criminal Lawyers Association.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the first month of the new fiscal year indicates that payments from the Legal Aid Fund were less than anticipated by an amount of $782,000. The major portion of this under expenditure arose in the payment of certificate accounts, the cost of which was $556,000 less than budget. However, comparisons with budget in this early stage in the new fiscal year are not too meaningful.

The under expenditure referred to above combined with excess income gives rise to a closing balance in the fund at April 30th of $927,000.

Statistics

The number of persons making contact with area offices during the month of April totalled 18,854 persons which is an increase of approximately 3,400 over the same month in 1977. Certificates issued show an increase for the month of 1,088 and persons assisted by duty counsel are reported as having increased by 2,300.

Again, it may be misleading to draw comparisons on the basis of only one month's activity.

RENEWAL OF I.B.M. CANADA LTD. DATA PROCESSING CONTRACT

The Committee recommended the renewal of the Legal Aid Plan's contract with I.B.M. Canada Ltd.

This contract provides for the supply of machine time, necessary quality control and the printing of certain statistical reports.

During last fiscal year, the cost of these services amounted to $22,000 and it is estimated that for the current fiscal year covered by this new contract, the cost will be in the order of $24,000 – $25,000. The increase arises from the combination of increased volume and higher unit prices quoted by I.B.M.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	May 1978	*2 Months to May 31/78*	*2 Months to May 31/77*
Reviews on hand	173		
Reviews received in	172	248	258
	345		
Settlements reviewed in	129	378	175
Settlements awaiting further information at end of	18		
Settlements awaiting review at end of	198		
	345		

Appeals

	March	*April*	*May*
Appeals to Taxing Master received during	–	–	2
Appeals heard by Taxing Master	–	–	1
Appeals pending at the end of the month	1	1	2
Appeals abandoned	–	–	–

Activity

	1978/79 Fiscal Year		*1977/78 Fiscal Year*	
	Month of May 1978	*2 Months to May 1978*	*Month of May 1977*	*2 Months to May 1977*
Accounts on hand at beginning	6962	6016	5101	4657
Accounts received	5967	11647	5384	10365
Total Accounts to be processed	12929	17663	10485	15022
Less: Files cancelled	49	78	49	78
Accounts processed	5104	9809	4855	9363
Balance	7776	7776	5581	5581

CLINICAL FUNDING COMMITTEE

James B. Chadwick, Chairman of the Committee, reported on the outcome of several meetings which the Clinical Funding Committee had held during May.

(a) People and Law

On May 31st, the Committee met with representatives of People and Law to review their new application for funding for the fiscal year 1978-79. The Chairman advised the Committee that a transcript of the meeting had been taken and that the Committee was presently studying the transcript. Mr. Chadwick indicated that the Committee would report its recommendations directly to Convocation on June 16th.

The Report and Recommendation of the Clinical Funding Committee dated 15th June, 1978, was before Convocation. After a detailed review of the application of People and Law, the hearings respecting that application, the new application submitted by People and Law and the representations considered by the Committee at the hearing respecting that application, the Report set out the Committee's conclusions and recommendation as follows:

> The only project that People and Law have had any real involvement with in the past six months is the BOOST project. Staff of People and Law have been attending executive meetings of BOOST and have been assisting them with their bylaws and attempting to determine their needs. In addition, they have transcribed on to cassettes some law affecting the blind. Other interpretations of law affecting the blind have been produced by the C.N.I.B. through Law Foundation grants.
>
> People and Law's present commitment with BOOST is in relation to a recent Federal Government grant for the purpose of hiring three law students for the summer to research the various legislation affecting blind people, which grant terminates on the 4th of August, 1978.
>
> People and Law were to work with the three law students on a part-time basis and provide for them the supervisory skills and, in addition, upon the completion of the project, to write a report for the Federal Government.

Although the Committee has grave reservations about the question of whether the services to be provided by People and Law to BOOST technically fit within the Clinical Funding Regulation, we are concerned that if the funding for People and Law is cut off completely at this time the BOOST project may fail as a result of lack of supervision and reporting to the Federal Government.

We are, therefore, prepared to recommend that People and Law be funded on a very limited basis until the 4th day of August, 1978 and the funding will be for the purpose of completing their obligations under the Federal Contract for BOOST.

The funding recommendation is as follows:

a. One paralegal salary at the rate of $12,067.10 p.a. for the period June 19, 1978 to August 4, 1978;

b. One part-time lawyer, based upon 8 hours per week, at the rate of $26.25 per hour for the period June 19, 1978 to August 4, 1978;

c. Rental and utilities at $550.00 per month for the months of July and August, 1978. These monies to be paid by the Clinical Funding Committee directly to the landlord;

d. One telephone at $30.00 per month for the months of July and August, 1978.

Total amount of funding $4,374.63

We have not dealt in detail with the other aspects of their application because it was not necessary to do so. However, we were not impressed with their administration and their lack of record keeping. This is particularly so in light of the fact that 50% of their time is devoted to administration and internal meetings.

(b) On June 5th, 1978, the Clinical Funding Committee submitted a report to the Director recommending to the Director, and subject to the approval of Convocation, funding for various projects.

The Director recommends to Convocation that the report of the Clinical Funding Committee dated June 5th, 1978 be adopted.

The following is a summary of the applications considered subsequent to the report to Convocation dated May 3, 1978, and the amounts of supplementary funding recommended for the fiscal year 1978/79:

	Applicant	*Amount**
1.	Experience '78 Summer Student Salary Supplement	$33,407
2.	Queen's Rural Legal Services Salary Supplement	2,700
3.	People and Law Research Foundation *to end of June 1978; subject to report of 15th June, 1978, see (a) above*	5,691

*All recommended amounts are subject to the Attorney General's approval of designated funding in the appropriate amounts for clinics for 1978/79.

(c) Mr. Chadwick reported to the Legal Aid Committee that the Committee had completed its review of all applications received to date. He noted that the Committee would be meeting with representatives of the Thunder Bay District Native Counselling Services clinic and the Kenora Community Legal Aid Clinic during the summer months to assess the clinics' function.

REGULATION 71

Regulation 71 reads:

> "Except in an area or part of an area exempted from this section by the Legal Aid Committee and subject to Section 72, unless with the prior approval of the Director, no duty counsel or any person associated with him in the practice of law shall knowingly act in the same matter for a person whom he has represented or advised as duty counsel."

In 1967 due to the limited number in the local Bar, Convocation exempted the District of Parry Sound to enable duty counsel to represent an accused at trial. On May 17th, 1978, the Provincial Director received correspondence from W. H. Green, Q.C., Area Director, Parry Sound, requesting that the exemption be removed for the west side of the Parry Sound District since the number of lawyers in the district had now increased.

The Committee, after reviewing the Area Director's correspondence, approved the request but asked the Director to write Mr. Green enquiring whether the exemption under Section 71 of the Regulation should be rescinded for the entire district.

REPORTS FROM SUB–COMMITTEES OF THE LEGAL AID COMMITTEE

John D. Bowlby, Chairman of the Legal Aid Committee, requested the Chairmen of the various sub-committees to report to the Legal Aid Committee at the June meeting. The Chairman was of the opinion that such reports would give the Legal Aid Committee an overview of the various work in progress.

The following is a summary of matters presently under review by the said sub-committees:

SPECIAL STANDING COMMITTEE ON LEGAL ACCOUNTS

Lee K. Ferrier, Q.C., Vice-Chairman, presented a verbal report on behalf of the Special Standing Committee on Legal Accounts.

The Attorney General had suggested that the Chairman of the Legal Aid Committee would be in a position to advise Convocation in June as to when the proposed new legal aid tariff would go to Cabinet.

Over the past several months the Ministry of the Attorney General has requested information from the Plan with regard to the cost implications of the proposed new tariff. Woods, Gordon, Management Consultants, together with Legal Aid staff have responded to the various points raised by the Ministry.

Mr. Ferrier noted that the Special Standing Committee on Legal Accounts held a recent meeting to review the progress on tariff negotiations with the Ministry. It was decided at that meeting that members of the said committee should in fact attend on the Ministry personnel and review with them any outstanding issues.

A meeting was held on May 29th with representatives of the Attorney General's department and the following members of the sub-committee and staff were present: Arthur C. Whealy, L. K. Ferrier, Claude Thomson, Sidney Linden, Mrs. A. C. R. Rosenthal, Ralph Back, and representatives of the Woods, Gordon firm.

The following were discussed:

(a) The Ministry may still have some concerns with regard to certain individual items in the proposed tariff. The sub-committee undertook to further respond to any questions the Ministry may have in this regard.

(b) The staff of the Ministry would be making recommendations to the Attorney General in about a week or ten days with the expectation that the Chairman of the Legal Aid Committee can then indicate to Convocation on June 16th the degree of support from the Attorney General for the new tariff proposals.

(c) The Ministry requested and received assurance from the sub-committee that it would provide the Ministry with whatever assistance it needed in formulating a proposal to Cabinet.

(d) The staff of the Ministry confirmed that between now and the time of discussion with the Attorney General there was no further action required of the sub-committee and that there would be little merit in getting into more statistical and financial analyses.

(e) The Ministry suggested that perhaps a new tariff should be implemented for a fixed term of two or three years at the end of which time the tariff and its financial implications would be subject to review.

The Legal Aid Committee were of the unanimous view that the profession should be made aware of the efforts of the sub-committee members to expedite the implementation of the amended tariff. It was noted that the Committee could do no more in the way of ensuring the adoption of the new tariff.

SUB–COMMITTEE RE: STATISTICS

A sub-committee under the chairmanship of Professor S. R. Ellis was appointed to investigate the present method of obtaining and recording Legal Aid statistics from the 46 area offices and in particular to review refusal rates reported from the Legal Aid areas.

The sub-committee recommended that two or three field trips be taken by one or two Committee members, with a member of the provincial administrative staff, to several Area Directors' offices so that the Committee members can ascertain first hand what may give rise to the apparent abnormalities within the statistical picture. Area Directors will be asked to comment on the proposed information sheet. The sub-committee appreciated that meaningful comment could only be obtained through the area directors who performed the services.

The Legal Aid Committee requested Professor Ellis to also undertake a study into the type of cases handled by members of the Bar related to years of experience.

Professor Ellis noted that his committee was anxious to obtain information on the success ratio of Legal Aid cases as compared to the results obtained by a client who retains a lawyer privately. Several members of the sub-committee had contacted the Ministry of the Attorney General to determine what statistics were available through the Ministry which would be of assistance to the sub-committee.

After considering the report of the sub-committee on statistics the Legal Aid Committee unanimously approved the following motion:

> That the statistical committee do an analysis in York County of all homocide and rape cases for the year 1977 and in particular to note the following:
>
> 1. The experience of counsel
> 2. The length of trial
> 3. The results obtained
> 4. Retainer, i.e., whether accused represented under a Legal Aid certificate or counsel retained privately.

SUB–COMMITTEE RE: PUBLIC INFORMATION

(a) Legal Aid Letter

George E. Wallace, Chairman of the Sub-Committee on

Public Information, advised the Committee that the proposed format of a Legal Aid Letter which was designed by the graphic artist of the Law Society had been approved. The Legal Aid Letter will be sent to all members of the legal profession, crown attorneys, members of the judiciary, libraries, universities, the media, social agencies, area committee members, area directors, and all others involved in the delivery of legal aid, including clinics. It was also recommended that the letter should be distributed to MPPs.

The letter must have the approval of the Chairman of the Legal Aid Committee before it is released.

(b) Legal Aid "News Release"

Mr. Wallace showed the Committee the proposed format of a Legal Aid news release to be used whenever information is sent to the news media. The Committee approved the format and purpose of the news release.

(c) Legal Aid Pamphlet

Mr. Wallace advised the Legal Aid Committee that the present Legal Aid pamphlet has been in circulation since 1967 without revision and that the Public Information Committee recommended that a new pamphlet be designed. The Public Information Officer has been requested to report to the Committee regarding possible designs, content and cost. The pamphlet will outline financial eligibility for Legal Aid and will include mention of Legal Aid clinics and the listing of area directors' officers.

(d) Meetings with Area Directors

The Public Information Officer will visit many of the Area Directors' offices over the next months to gain an appreciation of the specific information programmes already under way, or possible in particular locales. At the same time he proposes meeting with members of community-based clinics, members of the local Bar, police and corrections officials and other individuals and agencies involved in the delivery of legal services. The Public Information Officer advised that the object of such visits is to seek out all successful methods of informing the public and the legal profession about the Plan and he suggested that the visits will serve as a "sounding board" for the concerns of Area Directors and their staffs.

The Public Information Officer has been asked to advise the presidents of Law Associations that the Chairman and Vice-Chairman of the Legal Aid Committee will be pleased to accept an invitation from any local Law Association to address the Bar on Legal Aid.

STEERING COMMITTEE

George E. Wallace, Chairman, advised the Legal Aid Committee that the Steering Committee had not yet met but that a meeting had been called for later in the day. He noted that the Committee had been requested to consider policy and planning matters and make recommendations to the Legal Aid Committee. He advised that the Committee will meet on a monthly basis.

SUB–COMMITTEE RE: GROUP APPLICATIONS AND GRANTING OF CERTIFICATES FOR TEST CASES

Mr. Noel Ogilvie presented the report for the Chairman, James D. Carnwath. Mr. Ogilvie noted that in June, 1977, the Legal Aid Committee recommended that a sub-committee be formed to consider the problems relating to the issuance of group certificates and where the Plan should become involved in test cases.

The sub-committee had met over the past months and had considered 12 applications. He noted that several of the applications had been approved. Mr. Oglivie noted in particular a certificate which had been approved to a group of patients in a provincial mental health institution seeking legal representation for the purpose of resolving a dispute between the medical authorities in the institution and counsel acting before an Advisory Review Board as to whether counsel for the patients were entitled to free and full access to the patients' files. Approval had also been given to an application by a group of employees seeking to advance a grievance with regard to seniority through the court where a union of which they were members had refused to represent or assist them in this regard.

Mr. Ogilvie advised the Committee that in the above noted cases all of the individuals involved might each have been entitled to a separate certificate and lawyer of their choice. However, by issuing a certificate on behalf of the group, a multiplicity of proceedings and the involvement of many counsel had been avoided.

The sub-committee is monitoring the financial implications and will continue to consider applications over the next several months in an effort to develop some criteria to be applied to such applications.

SUB–COMMITTEE RE: AMENDMENTS TO REGULATION AND FORMS

The Director advised the Committee that the senior administrative staff of the Plan have been meeting weekly over the past five months to review and make recommendations with respect to amendments to the Legal Aid Regulation and forms. He noted that the amendments had been prepared from recommendations from the Osler Task Force report; discussions at Area Directors' meetings; suggestions from Legal Aid Committee members; suggestions from members of the Bar and recommendations approved by Convocation.

The final draft of the Regulation will be reviewed by the Steering Committee before being forwarded to Convocation.

SUB–COMMITTEE TO STUDY THE DELIVERY OF LEGAL AID SERVICES

Sidney B. Linden, Chairman of the sub-committee, advised that the committee first met on April 4th, 1978, and has had four subsequent meetings. The committee was appointed to ascertain whether improvements can be made to present delivery of Legal Aid services in Ontario. He noted that the Ministry of the Attorney General was conducting a similar study and that representatives from the Ministry were working in co-operation with the Legal Aid sub-committee.

The Attorney General in an address to the legislature on May 5th, 1978, advised the House that his ministry was making a study of the merits of adding a public defender element to the established Legal Aid Plan to improve services to residents of Metropolitan Toronto. He noted that this study group was working in co-operation with members of the above noted sub-committee.

Mr. Linden, together with a representative from the

Ministry of the Attorney General, travelled to Chicago to study the delivery of Legal Aid services in that city.

All relevant material on Legal Aid delivery systems is being gathered to enable the sub-committee to make recommendations to improve present Legal Aid services.

LEGAL AID PANELS

Clayton Ruby, a member of the Committee, expressed concern through correspondence that the Legal Aid panels should in some way be refined to enable a Legal Aid applicant to select a lawyer in a more meaningful fashion. It was appreciated that the client's right to choose his counsel should not be interfered with. However, in view of the persistent publicity that lawyers are accepting certificates in cases where professional skills are lacking, immediate attempts must be made to supply an applicant with information as to the panel lawyer's experience and ability.

A discussion ensued that panels should designate the areas of expertise. Such designation might be made by the Legal Aid Committee perhaps with the assistance of other groups such as the Advocates Society, Criminal Lawyers Association, etc. The designated areas would identify the exceptional experience and ability of a lawyer in a particular field of law.

Mr. Ruby undertook to prepare a submission for the Legal Aid Committee's consideration at the July meeting.

AREA COMMITTEES

Section 4 (1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

APPOINTMENTS

Simcoe County

Mr. Ray Catton, Simcoe County Engineering Department, Barrie.
Mr. Art Kneeshaw, Land Registrar for the
County of Simcoe, Barrie.
L. Noble, Esq., solicitor, Collingwood.
R. G. Oatley, Esq., solicitor, Barrie.

Cochrane County

Mr. Jean Paul Gelinas, Professional Photographer, Timmins.

Mrs. Anne Barron, Ontario Provincial Girl Guide Council, Timmins.

Waterloo County

Mrs. Barbara Sutherland, executive of Labour Council, Cambridge

Lincoln County

Mrs. Jean Wilson, Indian Court Worker,
Indian Friendship Centre, St. Catharines.

Woodward McKaig, Esq., solicitor, St. Catharines.

RESIGNATIONS

Waterloo County

Mr. Derek Mills, President of Cambridge Labour Council, Cambridge.

Rev. Ruggles Constant, Wesley United Church, Cambridge.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE—Mr. Seagram

Mr. N. MacL. Rogers, Vice-Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 8th June, 1978.

The following members were present: Messrs. Seagram (Chairman), Chappell, Farquharson, Salhany, Shibley, Mrs. Tait, Messrs. Wallace, and Willoughby, and Miss A. R. McCormick.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

GIFTS AND DONATIONS

The following donations were received by the Great Library:

The Government of Ontario Land Titles Office New City Hall Toronto	Through Mr. R. E. Priddle, Director of Titles, a total of 1,250 volumes of Statutes, Regulations, Government Documents and Texts.
The Estate of William McKay Wright, Q.C. late of Windsor, Ontario	Through Mrs. Helen Vuckovich, daughter of the late Mr. Wright, a total of 30 volumes of Texts and 11 Law School Notebooks, the latter to be transferred to the Society's Collection of Muniments and Memorabilia

Noted

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1977. The amounts of the grants to which they are entitled under the Regulation in 1977 and 1978 are as follows:

	1977	*1978*
Algoma	$2,000.00	$2,000.00
Frontenac	2,000.00	2,000.00
Grey	2,000.00	2,000.00
Halton	2,000.00	2,000.00
Hastings	2,000.00	2,000.00
Kent	2,000.00	2,000.00
Lambton	2,000.00	2,000.00
Lennox & Addington	795.00	795.00
Middlesex	2,000.00	2,000.00
Parry Sound	750.00	750.00
Peel	2,000.00	2,000.00
Renfrew	1,495.00	1,355.00

Approved, subject to the approval of the Finance Committee.

SUB–COMMITTEE ON COUNTY LAW LIBRARY GRANTS

The Committee heard a report from Mr. Salhany, Chairman of the Sub-Committee on County Law Library

Grants. The Committee recommended that subject to the result of telephone calls to ten counties within the next seven days and subject to the reinstatement in 1979 of any monies reallocated from these ten counties, the Schedule C showing a reallocation of $27,000 be approved.

The Committee also recommended that the application of the Law Society to the Trustees of The Law Foundation of Ontario for $185,817 for 1979 be approved.

The Committee also recommended that to the said amount of $185,817.00 be added an amount of $27,000 which was reallocated as above making the total application $212,817.

The Committee also recommended that in the application to the Trustees the Law Society should include an amount of $48,701.92 for salaries and sundries for the Central Administrative Programme and that the programme be reviewed in the future to make sure that it is the most efficient way to process the purchase of new books.

The Committee recommended an interim grant of $5,000 be paid to the Middlesex Law Association. The balance of the application for a Special Status Grant in the amount of $5,000 should be referred to the Sub-Committee on Grants to be considered when other counties have applied for Special Status Grants.

CONSULTING ROOMS IN COURT HOUSES

The Secretary reported that he had received a letter from Peter K. McWilliams, Q.C., requesting that the Society should make a policy decision to assist the County and District Law Associations in obtaining consulting rooms in County and Provincial Court Houses. The Committee supports the demands from the County and District Law Associations and others for more consulting room space in almost all of the County and Provincial Court Houses, but feels that this Committee is not the appropriate Committee to take the necessary action.

REPORTING

SUB–COMMITTEE ON LAW REPORTING – BLUE PAGES

A quotation from General Printers was discussed and it was suggested that another quotation be obtained from another printer on the cost of providing the "Blue Pages" to the profession on a subscription basis.

Noted

THE REPORT WAS ADOPTED

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LETTER FROM W. GIBSON GRAY, Q.C.

Convocation had before it a letter dated 23rd May, 1978, from Mr. W. Gibson Gray thanking the Benchers for the camera presented to him at the dinner held on Thursday, 18th May, 1978, to mark the occasion of his retirement as Treasurer.

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PUBLIC DEFENDER

The Treasurer reported that in accordance with Convocation's direction he had discussed with the Attorney General for Ontario the formation of a joint committee to explore the question of a Public Defender system but that the Attorney General had suggested as an alternative that Mr. Sidney B. Linden be asked to study the matter on behalf of the Legal Aid Committee and promised the full co-operation of the Attorney General's Department in supplying whatever information or data it had available. The Treasurer said that he had agreed to this suggestion.

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UNFINISHED BUSINESS

Because of the lateness of the hour, a number of items which appeared on the agenda but had not been reached were adjourned to the Special Convocation summoned for Thursday, 29th June, 1978.

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CONVOCATION ADJOURNED AT 4:45 P.M.

. . . .

Read in Convocation and confirmed 15th September, 1978

G. D. FINLAYSON
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 29th June, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Brulé, Carrier, Carthy, Cass, Chappell, Cooper, Farquharson, Furlong, Goodman, R. J. S. Gray, Ground, Guthrie, Mrs. Legge, Messrs. Levinter, Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Outerbridge, Pepper, Pomerant, N. MacL. Rogers, Seagram, Strauss, Mrs. Sutherland, Messrs. Thom, White and Willoughby.

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DISCIPLINE COMMITTEE–Mr. Lochead

Re: DANA L. I. SMITH, Terra Cotta

Mr. G. H. Lochead, Chairman, placed the matter before Convocation.

The reporter was sworn.

Messrs. Carthy, Levinter, McWilliams and Orkin withdrew from Convocation, took no part in the deliberations and did not vote.

The solicitor attended with his counsel, Mr. Ian Scott, Q.C. Mr. Frank Marrocco attended on behalf of the Society.

Counsel for the solicitor waived the reading of the Decision of the Discipline Committee dated 4th May, 1978, wherein the solicitor was found guilty of professional misconduct in that he had been convicted in Provincial Court of eighteen charges of having signed what purported to be affidavits and to have been sworn before him as a commissioner when they had not been so sworn. He had also failed to maintain his books and records in accordance with the Regulation made under The Law Society Act. Counsel stated that the solicitor accepted the said Decision.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee, dated 4th May, 1978, wherein the solicitor was found guilty of professional misconduct be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision had been accepted.

Convocation was advised of the Recommendation as to Penalty made by the Discipline Committee, namely: "that the Solicitor be disbarred. Should the Solicitor, however, seek permission to resign your Committee recommends that Convocation give consideration to this request."

Mr. Scott made submissions as to penalty.

Mr. Marrocco made submissions as to penalty.

Mr. Scott made submissions in reply.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that on the solicitor undertaking to complete payments on the mortgages, his rights and privileges as a member of the Society be suspended for a period of three years.

It was moved and seconded that the solicitor be permitted to resign his membership in the Society.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions before Convocation respecting penalty.

Mr. Scott advised Convocation that the solicitor was prepared to give the undertaking required if either the second or the third motion were carried.

The solicitor, counsel and the reporter withdrew.

Consideration of the matter was interrupted so that Convocation could attend to other business.

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ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 29th June, 1978.

The following members were present: Mr. J. D. Ground, Chairman, Mrs. Legge, Vice-Chairman, Messrs. Brule, Cass, R. J. Gray, Pepper, and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate having successfully completed the Nineteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted a Certificate of Fitness:

Steven Peter Lucas Howarth

The following candidate having successfully completed the Eighteenth Bar Admission Course, filed the necessary documents, paid the required fee of $210, and fulfilled the other applicable conditions, applied for Call to the Bar and to be granted a Certificate of Fitness:

Marvin Joseph Singer

Approved

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Steven Peter Lucas Howarth
Marvin Joseph Singer

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DISCIPLINE COMMITTEE (Continued)

Re: DANA L. I. SMITH, Terra Cotta

Convocation resumed its consideration of the matter, and then voted on the motions before it.

The motion for resignation was *lost.*

The motion for a three-year suspension was *lost.*

The motion for disbarment was *carried.*

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COMPENSATION FUND SUMMARY

Mr. Lochead presented the Compensation Fund Summary for the period ended 31st May, 1978.

COMPENSATION FUND

For the Period 1st July, 1977 to 31st May, 1978

(11 months)

TOTAL RECEIPTS	$ 357,763.02
TOTAL DISBURSEMENTS	$ 144,478.76
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 213,284.26
BALANCE OF FUND at beginning of period	$1,360,674.79
BALANCE OF FUND at end of period	$1,573,959.05

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 31st May 1978	$3,434,251.29
TOTAL PAID to 31st May 1978 from the commencement of the Fund on account of 1,012 claims of 112 former solicitors	$4,139,390.29

THE SUMMARY WAS RECEIVED

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GENERAL

Mr. Lochead presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 8th June, 1978.

The following members were present: Messrs. Lochead (Chairman), Carnwath (Vice-Chairman), Cass, Furlong, Ruby, Willoughby and Mrs. Sutherland.

1. BLITZES

The Society's auditors completed about 420 blitz audits during 1977 and 1978 to date, carried out in 49 communities across the province, including metropolitan Toronto. Over 80% of the audits reveal one or more inadequacies, most of which can be resolved through correspondence with members and their public accountants. Unfortunately, about 5% of the audits disclose sufficiently serious problems to warrant hearings before the Discipline Committee.

The Committee recommended that this information become an item for the Communiqué.

2. COMPENSATION FUND LEVY FOR THE ENSUING YEAR

The Committee after a careful review has concluded that the Compensation Fund levy for the ensuing year should remain at $30 and so recommended unanimously. *(Motion carried at the regular June Convocation, see p. 290-1).*

3. The Committee last month recommended to Convocation that the Society take on staff an additional auditor. The budget reflected this addition. After a full review of the discipline

situation the Committee recommended that a further Assistant Secretary be taken on staff along with a secretary to handle his/her work. Due to the volume of correspondence, largely in the area of discipline and professional conduct, that has passed through the Secretary's office in recent months an overload has developed with the result that some letters have been delayed one or two weeks in being transcribed. The Committee therefore also recommended that a dicta-typist be taken on staff.

4. The Committee gave consideration to substantial unpaid costs which have been ordered to be paid by various solicitors in respect of discipline investigations and hearings, many of which dated back several years. The Committee gave instructions to the Secretariat to proceed diligently to collect these costs.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. J. G. M. White, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 8th June, 1978.

The following members were present: Messrs. Tobias (Vice-Chairman), Cass, Furlong, Mrs. Legge, Messrs. Pomerant and Seagram.

1. Two accounts were approved by the Committee.

2. The Secretary reported that he had received a complaint from a solicitor that an individual had obtained a copy of his legal letterhead and had written a letter on behalf of his employer and signed the letter with his name and the words "Legal Council". The Secretary was instructed to write to the solicitor and advise him that the holding out as a solicitor appears to be beyond the six months limitation period and if he has any further information concerning this person, he should forward it to the Law Society. The Secretary was also instructed to write to the employer to enquire whether that company was aware of these activities. The Secretary was also instructed to write to a solicitor whose name was on the

complainant's letterhead and ask him if he knows anything about the improper use of the letterhead.

3. The Committee considered a letter from the President of the Sudbury District Law Association which indicated that an individual was appearing in Provincial Court as agent for persons charged with offences on which the Crown could elect to proceed by way of Summary Conviction or Indictable Offence. The Secretary was instructed to write to the President of the said law association and send him a brief of the decided cases and also to ask if he has any further evidence of unauthorized practice.

4. The Committee considered a letter from a solicitor enquiring as to the Society's policy concerning Collection Agents appearing in Small Claims Court. The Secretary was instructed to write to the solicitor stating that under the terms of the statute it is entirely up to the Judge as to whether the agent is permitted to appear for a party.

5. The Committee considered a letter from a solicitor enclosing a copy of an advertisement indicating that an individual would prepare the necessary documents in a divorce action for $125 plus costs. The Secretary was instructed to have an investigator interview this individual and report to the Committee.

6. The Committee considered a letter from a solicitor enclosing an advertisement respecting "legal protection". The Secretary was instructed to ask for further information.

7. The Committee considered a letter from a solicitor indicating that two individuals were operating a conveyancing business and drawing Wills under the name of an agency in the Village of Burks Falls. The Secretary was instructed to have an investigator identify the people placing the advertisement by interviewing them and if there is sufficient evidence of holding out as solicitors contrary to Section 50 of The Law Society Act, then a prosecution should be commenced. Mr. Tobias took no part in the discussion and refrained from voting on the motion.

THE REPORT WAS ADOPTED

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PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. A. M. Cooper, Chairman, presented the Report of the Professional Conduct Committee of its meetings on Thursday, 8th June, and Wednesday, 14th June, 1978.

On Thursday, 8th June, the following members were present: Messrs. Chappell (Acting Chairman), Carnwath, Lochead, Orkin, Pomerant, Mrs. Sutherland and Mr. Tobias.

On Wednesday, 14th June, the following members were present: Messrs. Cooper (Chairman), Chappell (Vice-Chairman), Carnwath, Lochead, Orkin, Ruby and Mrs. Sutherland.

1. AMENDMENTS TO THE NEW RULES OF PROFESSIONAL CONDUCT

The Committee had before it letters from a number of Benchers suggesting various changes. As a result there will be a further Report to Convocation recommending amendments. *(See pp. 330-1.)*

2. SUB–COMMITTEE REPORT ON THE USE OF CREDIT CARDS TO PAY LAWYERS' ACCOUNTS

The Committee recommended adoption of the Sub-Committee's Report which is as follows:

Your Sub-Committee composed of Messrs. Cooper (Chairman), Fennell and Carrier met on February, 9, 1978. Mr. Ogilvie was present and joined in the discussion at the invitation of your Sub-Committee.

The May 1975 decision of Convocation not to permit the use of Chargex cards and the public viewpoint, as expressed in editorials, on that decision was considered. That decision appeared to have been based on the feeling that such practice was unprofessional, that the collection of accounts would be out of the control of the lawyer and there could be additional cost to the client. Your Sub-Committee included in its considerations two further points, namely, the potential for advertising and the question of fee-splitting.

After considerable discussion, your Sub-Committee was unanimous in its opinion that

(1) the use of credit cards to pay lawyers' accounts was not unprofessional and that the use of credit cards by the public had become so widespread that it was really a matter of moving with the times;

(2) the use of credit cards was no more reprehensible than paying a collection agency to collect accounts (which practice was approved in September 1971) or spending one's own time to do so;

(3) any additional cost to the client would be negligible in the first instance, being absorbed in the nebulous item known as "overhead", and, in later instances, would be only that which the client was aware of through regular use of his credit card for other purchases;

(4) the potential for advertising, although apparently reduced to a large degree by Ruling 10, was not dealt with as it was felt that any overall consideration of this point should be done by the Committee on Advertising;

(5) in addition to the points raised in (2), it was felt that the reprehensible part of fee-splitting was that it was done without the client being aware of it which, of course, could not be the case where the client was presenting his own credit card.

Your Sub-Committee, therefore, concluded that the profession should be informed that the use of credit cards to pay lawyers' accounts is not unprofessional and is permitted.

(See pp. 335-6.)

3. A member of the profession has written to the Society stating that his firm acts for a trade union. The local officers of the union are very often consulted, according to this lawyer, by its members on personal legal matters. Not being lawyers these officers are reluctant to express an opinion. At the same time, however, they feel obliged to give some sort of response. In order to meet this situation they have asked the lawyer's firm to

accept a retainer to provide pre-paid legal advice. The advice would be preliminary in nature and designed to ascertain and explain the nature of the problem and the need, if any, of further legal steps. He would expect to keep any clients that would come to his firm through this scheme, if they wished to stay.

The Committee is of the opinion that the proposed arrangement would be improper. A person would have no freedom to consult a lawyer of his or her choice. In addition the arrangement could lead to the steering of business to one particular lawyer or law firm.

It was moved in Convocation, seconded and *lost* that the proposal in item 3 be approved provided it is made clear to the client that he is free to go to another lawyer before or after the initial interview if he wishes to do so, and that the arrangements proposed by the union be submitted to the Society for approval.

Mr. Cooper presented the new Professional Conduct Handbook (item 1) embodying the Rules of Professional Conduct which were adopted by Convocation on 19th May, 1978, together with a number of amendments, mostly of an editorial nature.

Convocation proceeded to consider the amendments the Committee proposed.

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

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The Treasurer and Benchers had as their guest for luncheon The Honourable Lawrence Grossman, Minister of Consumer and Commercial Relations.

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CONVOCATION RESUMED AT 2:15 P.M.

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PRESENT:

The Treasurer and Messrs. Bowlby, Carthy, Cass, Chappell, Farquharson, Furlong, Ground, Guthrie, Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Outerbridge, Pomerant, Seagram, Mrs. Sutherland, Messrs. Thom, White and Willoughby.

. . . .

PROFESSIONAL CONDUCT COMMITTEE (Continued)

Convocation resumed its consideration of the amendments proposed to the Rules of Professional Conduct.

It was moved, seconded and *lost* that in paragraph 2 of Rule 18, after the word "lawyer" in the second line, the words "directly or indirectly" be added; that the words "by the lawyer's wife" in the second line be deleted; that the words "or his wife" in the third line be deleted; that the last word in the third line, "or" be deleted; and that the words "both of them together have," in the fourth line be deleted.

It was moved, seconded and *carried* that an additional subparagraph (c) be added to paragraph 1 of Rule 18 reading:

> "(c) In the case of a loan from a related person as defined by the *Income Tax Act* (Canada) the lawyer is able to discharge the onus of proving that the client's interests were fully protected by the nature of the case and by independent legal representation."

Subject to this amendment, the amendments respecting the Rules of Professional Conduct proposed by the Committee were *adopted.*

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE (Continued)

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee dated 27th June, 1978, with respect to the application of *Stephen Charles French* to be readmitted to membership in the Society.

The Committee composed of Mr. P. B. C. Pepper, Chairman, Mrs. Legge, Vice-Chairman, and Mr. Ground, met on 1st June, 1978 and on 21st June, 1978 to consider an application by Stephen Charles French to be readmitted to membership in the Society. Mrs. Sutherland attended the first meeting but was unable to attend the second.

Mr. French had been disbarred on 16th January, 1976, having been found guilty of professional misconduct. He had made improper withdrawals from his trust account and misappropriated approximately $9,000. Previously, on 17th January, 1975 he had been found guilty of professional misconduct and his rights and privileges as a member of the Society were suspended for a period of two years. He had attempted to extort money by making excessive charges against certain clients, appropriated from his trust account money belonging to certain clients in excess of what was properly payable to him in respect of those clients' liabilities to him, failed to maintain sufficient funds in his trust bank account to meet his trust obligations to clients, and had borrowed money from clients contrary to the then Ruling 14 of the Professional Conduct Handbook.

On 6th January, 1977, Mr. French pleaded guilty in Provincial Court to acting as a barrister contrary to Section 50 of The Law Society Act. He was sentenced to a fine of $100 or 15 days.

Five claims were made against the Compensation Fund as follows:

Claimant	*Amount of Claim* $	*Approved and Paid* $
William P. Grundy	2,500.00	1,500.00
Eleanor Noyes	1,510.78	8,810.25
Roy W. Leonard	300.0	300.00
Lawrence Alex	47.50	Dismissed
Mr. and Mrs. Burns	69,445.00	Dismissed

It is a normal requirement where payments have been made out of the Compensation Fund in respect of an applicant for readmission, for the applicant to establish that restitution has been made. There was considerable discussion respecting the payments made out of the Fund in respect of Mr. French and it would be as well to deal with that matter now.

During the period when these applications were being considered, the Society began as a matter of policy to give notice of claims against the Fund to the former member involved so that he would have an opportunity to attend and make submissions. The policy was developed both in fairness to the membership which supports the Fund and in fairness to the former member who would be called upon to make restitution, should he apply for readmission. Mr. French had not received notice in respect of the Grundy claim but he was notified of the Noyes and Leonard claims, and when they were considered by the referee, Counsel appeared on Mr. French's behalf and sought an adjournment, which was opposed and which the referee did not grant. Mr. French's Counsel withdrew having made no submissions with respect to the merits of the two claims. The Committee is not in a position to question the propriety of the grants the Discipline Committee made from the Fund in those two cases and it is not disputed that restitution has not been made.

At the hearing on 1st June, 1978, Mr. French appeared unrepresented and the Society was represented by Mr. S. Goudge. The matter was not completed and was adjourned.

On the resumption of the hearing on 21st June, 1978, the applicant was again unrepresented and the Society was represented by Mr. Ian Scott.

Dr. Cyril V. Murray, a psychiatrist, testified that he has treated Mr. French since 1972, and referred particularly to the period when the applicant's professional affairs were under investigation by the Society, and the numerous and lengthy court actions instituted by the applicant were proceeding. In Dr. Murray's opinion Mr. French was suffering a severe and disabling condition of anxiety, depression, and fatigue to which the stress of the disciplinary and other proceedings contributed and which in July 1976 he found to be a greater cause for medical concern than at any previous time. He told the Committee that in the ten-month period preceding this re-admission application, his patient had shown remarkable improvement in both physical and mental health but that he was unable to say with certainty whether he had completely recovered from his disabling condition. Dr. Murray said that he was aware that during the period Mr. French was consulting him, the applicant was also being treated on a regular basis by Dr. G. E. Donald Davis, another psychiatrist. Dr. Murray had no contact with Dr. Davis, nor had he discussed with him the condition or treatment of their mutual patient.

Dr. David McLaren, a general practitioner testified that he had examined Mr. French and had found him, apart from moderate obesity, to be in good health, though in the upper normal range of hypertension.

In his submissions to the Committee, the applicant stated that he is now physically and mentally well, that no client had ever lost money on his account, that he would never believe that he had been guilty of professional misconduct and that there is no real reason to keep him out of membership in the Society.

With respect to the statement that no client had lost money, the Committee refers only to the Noyes and Leonard matters. In the Leonard case $300 had been paid to the applicant for fees in connection with a real estate matter, and the referee found that he had not satisfactorily accounted for the money to his client.

The Noyes matter did not involve a client, but did involve a trust of which the applicant was trustee. Mr. French acted for the estate of his deceased father who had left as a legacy to his secretary, a part of the income from a capital sum of $10,000. The payments had fallen into arrears and the grant from the Compensation Fund was in an amount representing the commuted value of the legacy.

The Committee is concerned that though there is a burden on the applicant to satisfy the Committee not just of his good health but that he has changed and become completely rehabilitated, Mr. French tendered no evidence to establish this, as for example, evidence of persons with whom he had worked or others who have known him since his disbarment. The Committee is of the view that cogent evidence of the applicant's good character is most important in readmission proceedings to enable the Society to discharge its duty to the public to ensure that those who practise law are of good character.

The Committee was also concerned at the applicant's complete failure to realise and accept that the conduct which led to his disbarment was wrong, notwithstanding that the Society's disciplinary actions were reviewed by the courts including the Supreme Court of Canada.

In short, it is the Committee's view that without persuasive evidence that the applicant is completely rehabilitated, it cannot recommend that his application for readmission to membership in the Society be granted.

The reporter entered Convocation and was sworn.

Messrs. O'Brien and Thom withdrew from Convocation, took no part in the discussion and did not vote.

The applicant did not attend although he had been given a copy of the Report and informed that the matter would be dealt with at a Special Convocation on 29th June, 1978, and that he might attend.

THE REPORT WAS ADOPTED

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MOTION: USE OF CREDIT CARDS TO PAY LAWYERS' ACCOUNTS

It was moved, seconded and *carried* that the mechanics of the implementation of the use of credit cards to pay lawyers' accounts be referred to a special committee to be named by the Treasurer.

. . . .

APPOINTMENT OF SPECIAL COMMITTEE

The Treasurer named Mr. Ground as Chairman and Messrs. Orkin and Pomerant as members of a Special Committee on the Use of Credit Cards to Pay Lawyers' Accounts to consider the mechanics of the implementation of the use of credit cards for the purpose of paying lawyers' accounts and to report to Convocation.

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CONVOCATION ROSE AT 4:00 P.M.

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Read in Convocation and confirmed 15th September, 1978.

G. D. FINLAYSON
Treasurer

THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 7

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 14th September, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Brulé, Carnwath, Carthy, Chappell, Farquharson, Furlong, Ground, Kellock, Mrs. Legge, Messrs. Lochead, O'Brien, Ogilvie, Orkin, Outerbridge, Pomerant, N. MacL. Rogers, W. P. Rogers, Ruby, Shibley, and Mesdames Sutherland and Tait.

. . . .

DISCIPLINE COMMITTEE–Mr. Lochead

Re: ERNEST ARTHUR FOX, London

Mr. G. H. Lochead, Chairman, placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend and no one appeared on his behalf. Mr. J. D. Crane, Q.C., appeared for the Society.

Mr. Lochead filed proof of service by registered mail, in accordance with the provisions of The Law Society Act, and proof of personal service on the solicitor.

The Secretary read the Decision of the Discipline Committee dated 1st August, 1978, wherein the solicitor was found guilty of professional misconduct in that he had failed to account to clients for $1,400, practised law while under suspension, and failed to maintain the required books and records in connection with his practice.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee dated 1st August, 1978, be accepted.

The reporter returned. Mr. Crane was appearing in the

Court of Appeal, The Supreme Court of Ontario, and did not return. Acceptance of the Decision by Convocation was put on the record.

The reporter withdrew.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that the solicitor's rights and privileges as a member of the Society be suspended for a period of one year and that proceedings be instituted forthwith under Section 35 of The Law Society Act to determine whether the solicitor is capable of practising law.

The motion to disbar was *carried.*

The motion to suspend was *not put.*

The reporter returned.

The disposition of the matter was put on the record.

The reporter retired.

. . . .

Re: KENNETH GOODMAN, Toronto

Mr. Lochead placed the matter before Convocation.

The reporter was sworn.

Mr. Pomerant withdrew from Convocation, took no part in the discussion and did not vote.

The solicitor did not attend nor was he represented by counsel. Mr. J. Alick Ryder appeared for the Society.

Mr. Lochead filed proof of service in accordance with the provisions of The Law Society Act.

The Treasurer polled the Benchers and found that all had read the Decision of the Discipline Committee dated 17th August, 1978.

It was moved, seconded and *carried* that the reading of the said Decision be dispensed with.

The Decision was that the solicitor was guilty of professional misconduct, having misappropriated over $10,000 belonging to clients and having abandoned his practice without making provision for the protection of his clients' interests.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee dated 17th August, 1978 be accepted.

Counsel and the reporter returned.

Counsel was advised that the Decision had been accepted by Convocation.

Convocation was informed of the recommendation of the Discipline Committee with respect to penalty, that the solicitor be disbarred, which recommendation was sent to the solicitor with the Decision of the Discipline Committee.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter returned.

The disposition of the matter was put on the record.

Counsel and the reporter retired.

. . . .

Re: THOMAS GIFFORD RANKIN, London

Mr. Lochead placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend nor was he represented by counsel. The Society was represented by Mr. J. Alick Ryder.

An affidavit of service was filed in accordance with the provisions of The Law Society Act.

The Treasurer ascertained that all Benchers present had read the Decision of the Discipline Committee dated 17th August, 1978.

It was moved, seconded and *carried* that the reading of the said Decision be dispensed with.

In the said Decision it was found that the solicitor was guilty of professional misconduct, he having misappropriated nearly $10,000 from his trust account and having closed his office without notice to his clients.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee dated 17th August, 1978 be accepted.

Counsel and the reporter returned.

Counsel was advised that Convocation had accepted the Decision of the Discipline Committee.

Convocation was advised that the Discipline Committee recommended that the solicitor be disbarred and that this recommendation had been sent to the solicitor with the Decision of the Committee.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter returned.

The disposition of the matter was placed on the record.

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

AND RESUMED AT 2:00 P.M.

....

PRESENT:

The Treasurer and Messrs. Brulé, Carnwath, Farquharson, Furlong, Ground, Kellock, Mrs. Legge, Messrs. Lochead, O'Brien, Ogilvie, Orkin, Pomerant, N. MacL. Rogers, W. P. Rogers, Ruby, and Mesdames Sutherland and Tait.

. . . .

MOTION: ERRORS AND OMISSIONS INSURANCE

It was moved, seconded and *carried* that the question as to the exposure of the Society and solicitors for claims for negligence where the solicitors have represented that they are not holding themselves out to the public be considered by the Errors and Omissions Insurance Committee.

. . . .

CONVOCATION ROSE AT 2:30 P.M.

. . . .

Read in Convocation and confirmed 20th October, 1978.

G. D. FINLAYSON

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 15th September, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carrier, Carthy, Cass, Chadwick, Chappell, Farquharson, Fennell, Furlong, R. J. S. Gray, Ground, Guthrie, Kellock, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Pallett, Pepper, Pomerant, N. MacL. Rogers, Ruby, Salhany, Sheard, Mesdames Sutherland and Tait, Messrs. Thom, Wallace, White and Willoughby.

. . . .

MINUTES

The Minutes of Convocation of 16th June, 1978 and of Special Convocation of 29th June, 1978, were read and confirmed.

. . . .

ARTHUR S. PATTILLO, Q.C., FORMER BENCHER

The Treasurer referred to the death of Arthur S. Pattillo, Q.C., on Friday, 8th September, 1978, in Chester, Nova Scotia. Mr. Pattillo had practised law in Halifax before being called to the Ontario Bar on 18th January, 1945. He was a member of the firm of Blake, Cassels & Graydon, Toronto, for many years. He was Chairman of the Ontario Securities Commission from 1974 to 1977 and subsequently became a special adviser to The Bank of Nova Scotia. He was a Bencher of the Law Society for almost ten years during the period 1963 to 1974. He ceased to be a Bencher when he assumed the Chairmanship of the Ontario Securities Commission.

. . . .

BENCHER EX OFFICIO MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA

Section 12 (1) of The Law Society Act provides that the Minister of Justice and Attorney General of Canada is an ex officio Bencher of the Society if and while he is a member of The Law Society of Upper Canada. The Honourable Ronald Basford resigned as Minister of Justice and Attorney General of Canada and The Honourable Otto Lang was appointed to the portfolio. Mr. Lang was called to the Bar of Ontario on 24th March, 1972, and is an honorary member of the Society. Accordingly Mr. Lang has replaced Mr. Basford as a Bencher ex officio of the Society, as of 9th August, 1978.

. . . .

APPOINTMENT OF SPECIAL COMMITTEES

(i) Special Committee on Polaris Computer Land Registry System

The Treasurer announced the appointment of a Special Committee on Polaris Computer Land Registry System composed of Mr. Carnwath, Chairman, Messrs. Farquharson, Furlong and Guthrie, and Mrs. Legge. The Committee will consider the proposals of the Ministry of Consumer and Commercial Relations relating to the computerization of the Land Registry System known as the Polaris project, study the implications of the suggested developments and discuss them with the Ministry.

(ii) Special Committee on Remembrance Day Service

The Treasurer appointed Messrs. Sheard and Goodman as the Special Committee respecting the Society's observance of Remembrance Day which is to be held on Thursday, 9th November, 1978.

. . . .

LETTER FROM H. G. CHAPPELL, Q.C.

The Treasurer referred to a letter dated 17th July, 1978, which he had received from Mr. Chappell suggesting that advice and assistance of senior members of the Society might be offered to those members of the Society who wished them.

. . . .

ELECTION OF BENCHERS

Printed forms and material with respect to Election of Benchers were circulated to members of Convocation.

It was moved, seconded and *lost* that the asterisk remain on the ballots to indicate those who are Benchers at the time of the election.

It was moved, seconded and *carried* that the material and draft changes in the rules be referred to the Legislation and Rules Committee.

. . . .

ADMISSIONS COMMITTEE—Mr. Ground

Mr. J. D. Ground, Chairman, presented that portion of the Report of the Admissions Committee of its meeting on Thursday, 7th September, 1978, with respect to a candidate for Call to the Bar as follows:

OCCASIONAL APPEARANCE

Charles Richard Huband of the Province of Manitoba applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Durall Construction Ltd v. W. A. McDougall Ltd., Corporation of the City of Hamilton et al.* Mr. Huband complied with the requirements of Section 10. His Certificate of Good Standing had been mailed to the Society. He asked to receive his call to the Bar of Ontario at the September Convocation subject to receipt of his Certificate of

Good Standing. (Certificate of Good Standing received on 7th September, 1978.)

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for Occasional Appearance

At its meeting on 7th September, 1978, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

Charles Richard Huband	Province of Manitoba

Approved

THAT PORTION OF THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation and was called to the Bar, and the degree of Barrister-at-Law was conferred upon him by the Treasurer:

Charles Richard Huband

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Monday, 11th September, 1978.

The following members were present: John D. Bowlby, Chairman, Messrs. Barnes, Chadwick, Courtemanche, Ellis, Mrs. Fleming, Messrs. Guthrie, Harris, Mrs. Jarmain, Messrs. Lamb, Michon, Nixon, Ogilvie, Orkin, Shaffer, Mrs. Smyth, Mr.

Whealy.

CLINICAL FUNDING

Grange Committee

After an indepth review, the Committee approved the following resolutions which constitute its submission to the Grange Committee:

1. That there be a Committee of The Ontario Legal Aid Plan known as the Clinical Funding Committee.

2. That the members of the Committee be appointed as follows:
   a. Two members to be appointed by the Legal Aid Committee;
   b. One member to be appointed by the Attorney General of Ontario.

3. That all applications for funding be processed and heard by the clinical funding staff of The Ontario Legal Aid Plan.

4. That all decisions, recommendations or conditions in regard to funding which are determined by the clinical funding staff be subject to the approval of the Clinical Funding Committee and of Convocation without a hearing.

5. That any clinic which has been funded continuously for a period of not less than 24 months will have a right of appeal from the decision of the clinical funding staff refusing or denying them continued funding and this appeal will be to the Clinical Funding Committee.

6. That the Clinical Funding Committee will provide reports to the Legal Aid Committee for its information and all policy recommendations or changes will be subject to approval by the Legal Aid Committee

and Convocation.

7. That all appeals by clinics to the Clinical Funding Committee will be finally disposed of at that level, and that there will be no further right of appeal to either the Legal Aid Committee or to Convocation.

The two briefs which were submitted to the Grange Committee by the Clinical Funding Committee were before Convocation. One is a comprehensive historical brief on clinical funding; the other is a brief which sets out a training and education programme for clinic staff developed by the Clinical Funding Committee and clinical funding staff.

It was moved, but not seconded, that Resolution 5 be amended to provide an appeal where funding has been reduced except where there is a general reduction in funding.

The motion, not being seconded, was *not put.*

THE REPORT WAS ADOPTED

. . . .

Mr. Bowlby presented the Report of the Legal Aid Committee of its meetings on Friday, 23rd June, Wednesday, 12th July, and Wednesday, 23rd August, 1978.

On 23rd June, 1978, the following members were present: John D. Bowlby, Chairman, and Messrs. Carnwath, Ellis, Mrs. Fleming, Messrs. McLean, Russell, Shaffer, Whealy.

Also in attendance, by special invitation, was A. G. B. Campbell, Assistant Deputy Attorney General.

On 12th July, 1978, the following members were present: Mr. Bowlby, Chairman, and Messrs. Carnwath, Chadwick, Cherniak, Courtemanche, Ferrier, Mrs. Fleming, Mrs. Jarmain, Messrs. Jones, Michon, Ogilvie, Orkin, Ruby, Russell, Shaffer, Mrs. Tait, Messrs. Wallace, Whealy.

Sidney Linden, solicitor, Toronto, was also in attendance as an observer for the Criminal Lawyers Association.

On 23rd August, 1978, the following members were present: Mr. Bowlby, Chairman, Messrs. Barnes, Carnwath, Cherniak, Courtemanche, Ellis, Mrs. Fleming, Mr. Goodman, Mrs. Jarmain, Messrs. Jones, Levinter, McLean, Nixon, Ogilvie, Orkin, Shaffer, Mrs. Tait, Messrs. Wallace, Whealy.

Mr. Linden was also in attendance as an observer for the Criminal Lawyers Association.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the four month period ended July 31, 1978, shows that payments from the Legal Aid Fund exceeded budget by $76,000. Funds designated for Community Clinics were underspent by $32,000. Thus, payments for the Legal Aid operation itself exceeded budget by $108,000 as follows:

Over budget	$	$
Criminal certificate accounts	137,000	
Civil certificate accounts	109,000	
Duty counsel payments	1,000	247,000
Under budget		
Legal Advice certificate accounts	23,000	
Salaried Duty Counsel project	2,000	
Area Office costs	25,000	
Provincial Office costs	89,000	139,000
Net over budget		108,000

Income from sources other than the Province of Ontario was over budget by $180,000 as follows:

Client contributions	81,000
Costs recovered	85,000
Miscellaneous income	14,000
	180,000

As at July 31, 1978 there was a negative balance in the Fund of $60,000.

Accounts receivable past due more than 90 days

	At July 31, 1978	*Last Month*	*Last year*
Value	$1,628,500	$1,612,000	$1,456,700
% of total receivables	58.6	59.1	58.9

Statistics

The following table compares reported activity for the first four months of this fiscal year with the activity for the same period in the previous fiscal year:

	4 months ended *July 31, 1978*	*4 months ended* *July 31, 1977*	*% Change from last year*	
Informal applications	38,345	30,468	+	25.8
Applications for certificates	36,983	34,314	+	7.8
Refusals	11,936	11,362	+	5.0
As a percentage of applications	32.3	33.1		
Certificates issued	27,262	25,492	+	6.9
Persons assisted by Duty Counsel:				
Fee for service	46,802	40,697		
Salaried Duty Counsel	10,729	7,141		
Total	57,531	47,838	+	20.3

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	4 months ended July 31, 1978		*4 months ended July 31, 1977*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	75,328	100.0	64,782	100.0
Advice and referral (Informal applications)	38,345	50.9	30,468	47.0
Certificates issued	27,262	36.2	25,492	39.4
Unassisted persons	9,721	12.9	8,822	13.6
	75,328	100.0	64,782	100.0

Write-offs

George E. Wallace, Vice-Chairman, approved the write-offs of the following total of amounts due to the Legal Aid Fund: $58,333.63.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	July 1978	*4 Months to July 31/78*	*4 Months to July 31/77*
Reviews on hand	142		
Reviews received in	105	464	454
	247		
Settlements reviewed in	37	489	229
Settlements awaiting further information at end of	4		
Settlements awaiting review at end of	206		
	247		

Appeals

	May	*June*	*July*
Appeals to Taxing Master received during	2	1	1
Appeals heard by Taxing Master	1	–	–
Appeals pending at the end of the month	1	2	4
Appeals abandoned	–	–	–

Activity

	1978/79 Fiscal Year		*1977/78 Fiscal Year*	
	Month of July 1978	*4 Months to July 1978*	*Month of July 1977*	*4 Months to July 1977*
Accounts on hand at beginning	6528	6016	6261	4657

	1978/79 Fiscal Year		1977/78 Fiscal Year	
	Month of July 1978	*4 Months to July 1978*	*Month of July 1977*	*4 Months to July 1977*
Brought forward	6528	6016	6261	4657
Accounts received	4182	21547	4835	20582
Total Accounts to be processed	10710	27563	11096	25239
Less: Files Cancelled	28	150	44	170
Accounts processed	5351	22082	4624	18641
Balance	5331	5331	6428	6428

PROPOSED AMENDMENTS TO THE LEGAL AID TARIFF

The Chairman informed the Committee that the Attorney General had given assurances that the proposed amendments to the Legal Aid tariff will be reviewed by Cabinet before September 15th, 1978; however, Cabinet will have considered the tariff before the Annual Meeting of the Law Society in October.

The Treasurer wrote the Attorney General advising him that he would appreciate receiving a decision on the tariff before the Law Society's said meeting. The Treasurer also wrote each Cabinet member enclosing a copy of the proposed tariff. The Treasurer's letter to the Attorney General dated August 28th, 1978, and the Treasurer's letter to the Cabinet members dated August 28th, 1978, were before Convocation.

CLINICAL FUNDING

(a) Grange Commission

In May Convocation approved that a commissioner be appointed by the Law Society of Upper Canada and the Attorney General to study the existing clinical funding regulation and to consider recommendations for change. Concerns were expressed as to the terms of reference for the one man task force. The Chairman called a special meeting of the Committee on June 23rd to review with A. G. B. Campbell, a representative of the Attorney General, the said terms.

On June 27th, 1978, The Honourable R. Roy McMurtry, Attorney General, wrote The Honourable Mr. Justice S. G. M. Grange appointing His Lordship the commissioner and setting out his terms of reference

(b) Thunder Bay Native Legal Counselling Services Clinic

In April Convocation approved the recommendation of the Clinical Funding Committee that $147,232.00 be provided to the Thunder Bay Native Legal Counselling Services Clinic. The clinic was the first major model of legal services delivered to native people in Ontario.

In early June two staff members associated with the Clinical Funding Committee conducted an intensive two week orientation programme for the clinic staff in Thunder Bay. In August the second phase of the training programme was completed. This consisted of a one week intensive workshop which revolved around a consumer law problem situation. A number of workshops were also held culminating in a mock small claims trial before a judge.

Reports compiled by Harvey Savage, Associate Provincial Director, and Ms. Susan Tanner, solicitor, were before Convocation.

PUBLIC INFORMATION

(a) Ottawa-Carleton Pilot Project

The Director received correspondence from James B. Chadwick, Q.C., Area Director, Carleton County, wherein he requested the Legal Aid Plan's participation in providing information to the public on legal services available in Carleton County. Mr. Chadwick informed the Committee that the cost factor could not be determined at this time. He asked for approval and the assistance of John Beaufoy, Public Information Officer.

The Committee recommended the following:

That a pilot project be approved for informational advertising in the Ottawa-Carleton regions and that Mr. Beaufoy be consulted for the purpose of evaluating and assisting the Carleton Law Association in the best method of putting this over and then to come back to the Legal Aid Committee with the cost factor.

(b) Logo

The Legal Aid logo was purchased from the Legal Aid Plan of England in 1972 and approved for use by Convocation in October of that year.

In April, 1978, Legal Aid's Public Information sub-committee recommended that the widest use possible should be made of the logo.

On April 21st, 1978, Convocation moved that the Legal Aid Letter "go out without the logo but with the Law Society's crest".

The Legal Aid Committee is of the respectful opinion that the use of the logo as approved by Convocation in 1972 should be reconsidered by Convocation in view of Convocation's instructions in April 1978.

The Committee requested that Convocation be advised that the logo is not solely for use in England. It is intended that the logo be used throughout the Commonwealth. An applicant wishing Legal Aid assistance in any part of the Commonwealth will recognize the symbol. The Legal Aid Committee is also of the opinion that the Law Society crest should be used in conjunction with the logo.

It was moved in Convocation, seconded and *lost* that the request to use the Legal Aid "logo" on the Legal Aid Letter be denied.

(c) Information to MPPs

The Committee noted that all members of the Provincial Parliament have been provided with listings of the Plan's 31 community based legal clinics together with the 45 duty counsel clinics.

APPOINTMENT OF A DEPUTY LEGAL ACCOUNTS OFFICER

At the Legal Aid Committee meeting in May, 1978, the

Legal Accounts Officer suggested that her work could be lessened if a Deputy Legal Accounts Officer was appointed who had the authority to indicate by signature the decision of the Accounts Officer with respect to the amount to be paid for services rendered under the Plan. As the Regulation presently reads such authority now only rests with the Legal Accounts Officer. The Legal Aid Committee approved an amendment to the Regulation.

The amendment was discussed with the Senior Legislative Counsel who was of the opinion that such an amendment was not necessary. The Legislative Counsel drew attention to Section 26 of The Legal Aid Act and noted in particular Section (1) (L). This section and sub-section read as follows:

> 26. (1) Subject to the approval of the Lieutenant Governor in Council, the Law Society may make regulations respecting the establishment and administration of a Legal Aid Plan, and, without limiting the generality of the foregoing, may make regulations;
>
> (L) providing for settlement of accounts for professional services under this Act or the Regulation;

Sub-section 26 (2) reads:

> (2) The Attorney General may designate persons for the purpose of clause (L) of sub-section (1).

The Legislative Counsel suggested that the Attorney General be contacted with the request that Ralph S. Back, solicitor, be appointed Deputy Legal Accounts Officer.

The Attorney General approved the appointment and a copy of the revelvant Order-in-Council was before Convocation.

ONTARIO COUNCIL ON HEALTH

The Committee had before it correspondence from the Ontario Council on Health requesting the Legal Aid Plan to prepare a brief.

The Director informed the Committee that the Plan has provided Legal Aid to mental health hospitals over the years. The programme appears to be functioning well. The Director had reports and data which would bring the task force up-to-date.

The Committee requested the Director to write to the Chairman of the Ontario Council of Health and indicate that he would be pleased to attend before the task force and report on Legal Aid's participation in this field.

LEGAL AID COMMITTEE APPOINTMENTS

Reginald McLean, Queen's University, student representative, resigned in August. The executive of the Student Legal Aid Societies of Ontario unanimously recommended the appointment of Brad Nixon, Osgoode Hall Law School to replace Mr. McLean as student representative on the Legal Aid Committee.

APPEALS TO THE PROVINCIAL DIRECTOR

Section 16 (11) of The Legal Aid Act reads as follows:

> The Director may issue a certificate to an appellant or respondent in a criminal appeal where the Supreme Court of Canada or the Court of Appeal for Ontario is of the opinion that it is desirable in the interests of justice that the appellant or respondent should be represented and has requested that counsel be appointed and the Director is satisfied that the appellant or respondent has not sufficient means to employ counsel. R.S.O. 1970, c.239, s.16.

This Committee approved the Steering Committee's recommendation that where the Director is not prepared to approve the issuance of a certificate as requested under Section 16 (11) of The Legal Aid Act, the Director shall report his reasons in writing to the Legal Aid Committee.

ASSIGNMENT OF COUNSEL BY THE COURT OF APPEAL

Section 611 of the Criminal Code reads as follows:

> A court of appeal or a judge of that court may, at any time, assign counsel to act on behalf of an accused who is a party to an appeal or

> to proceedings preliminary or incidental to an appeal where, in the opinion of the court or judge, it appears desirable in the interests of justice that the accused should have legal aid and where it appears that the accused has not sufficient means to obtain that aid.
>
> 1953-54, c.51, s.590.

The Committee approved the following motion:

That the Chief Justice of Ontario be asked to approve the following:

> That before a judge assigns counsel under Section 611 of the Criminal Code, the Director be given an opportunity to make submissions to the judge before any assignment of counsel is made.

LIMITATION OF CRIMINAL CERTIFICATES

In May, 1974, Convocation approved the policy that a solicitor should not be paid for more than 75 criminal certificates in a fiscal year and that when the computer records the payment of 70 criminal certificates to a solicitor, that solicitor be contacted by the Provincial Director to alert him to his obligation to review with the Director the status of his criminal Legal Aid practice.

The Director was given discretion to waive the limitation and permit an increase to 125 certificates subject to the right of the solicitor to appeal the Director's decision to the Legal Aid Committee if the Director refused the request, and that any request from a solicitor for an increase in excess of 125 certificates must be considered and approved by the Legal Aid Committee.

The Committee approved the Steering Committee's recommendation as follows:

> That only 90 certificates be granted to a lawyer on a criminal Legal Aid panel for a fiscal year and that this number not be exceeded unless the lawyer applying establishes that the number of lawyers practising criminal law in his local area is such that an increase is warranted.

AREA COMMITTEES

APPOINTMENTS

Simcoe County

E. P. Mayhew, solicitor, Barrie.

Essex County

Mr. Lou Bendo, President,
Lou Bendo Real Estate and Insurance, Windsor.

RESIGNATIONS

Peterborough County

Mrs. Gilliam Sandeman, Provincial Member of Parliament, Peterborough.

Lincoln County

H. Edmonstone, Q.C., St. Catharines.
Stewart Kingstone, Q.C., St. Catharines.

Simcoe County

Robert Jacks, Q.C., Collingwood.

THE REPORT WAS ADOPTED

. . . .

MOTION: OFFICE OF TREASURER

On 19th May, 1978, Mr. Carnwath presented to Convocation a Notice of a Motion with respect to the office of Treasurer and subsequently requested that the motion be considered at the regular September Convocation.

It was moved by Mr. Carnwath, seconded by Mr. Bynoe and *carried* that the Treasurer appoint a Special Committee to investigate and report upon all aspects of the office of Treasurer, the report to be made no later than October 1979.

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 7th September, 1978.

The following members were present: Mr. J. C. Pallett, Chairman, Messrs. Carthy, R. J. Gray, Ground, Kellock, N. MacL. Rogers, W. P. Rogers, Salhany, Shibley and Mrs. R. M. Tait.

FACULTY APPOINTMENTS – Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 5th, 1978:

(a) Creditors' and Debtors' Rights – Head of Section

John D. Honsberger, Q.C., has retired as head of section.

It was recommended that R. Gordon Marantz be appointed head of the Creditors' and Debtors' Rights section of the Bar Admission Course. Mr. Marantz has consented to act.

(b) Real Estate and Landlord and Tenant – Head of Section

Donald H. L. Lamont, Q.C., has retired as head of section.

It was recommended that Philip H. G. Walker, Q.C., be appointed head of the Real Estate and Landlord and Tenant section of the Bar Admission Course. Mr. Walker has consented to act.

(c) Estate Planning – Head of Section

David G. Fuller has retired as head of section.

It was recommended that J. James Wardlaw, Q.C., be appointed head of the Estate Planning section of the Bar Admission Course. Mr. Wardlaw has consented to act.

(d) Civil Procedure I Section:

To continue as Head of Section, R. J. Rolls, Q.C.

Group Instructors (Osgoode Hall): Richard Anka, L. A. J. Barnes, T. G. Bastedo, R. A. Blair, H. M. A. Brodkin, D. J. Brown, J. A. Campion, R. G. Chapman, W. P. Cipollone, J. P. Dube, T. J. Dunne, F. G. Felkai, A. M. Gans, S. L. Goldenberg, S. T. Goudge, R. S. Harrison, P. G. Jarvis, J. I. Laskin, D. C. McTavish, A. C. Millward, Roger Oatley, J. C. Osborne, H. D. Pitch, Julian Polika, Stan Raphael, A. M. Rock, L. D. Roebuck, J. W. Rowley, D. H. Sandler, R. G. Slaght, J. D. Sloan, B. S. Wortzman.

Group Instructors (Ottawa): B. A. Carroll, G. P. Kelly, F. J. McDonald, D. J. Power, D. W. Scott, W. B. Spooner, P. C. P. Thompson.

Group Instructors (London): D. G. Gunn, P. B. Hockin, J. C. Kennedy, J. W. Makins, C. S. Ritchie.

Stand-by Instructors (Osgoode Hall): Igor Ellyn, J. T. Fidler, Tom Lederer, L. A. Pattillo, M. J. Penman, M. E. Royce, W. V. Sasso, J. D. Weir.

Stand-by Instructors (Ottawa): G. J. Cooligan, W. M. Davis, T. D. Ray, W. J. Simpson.

Stand-by Instructors (London): J. F. Belecky, P. M. Stillman, B. J. Sullivan.

(e) *Civil Procedure II Section:*

To continue as Head of Section, J. W. O'Brien, Q.C.

Group Instructors (Osgoode Hall): F. R. Bowman, B. J. E. Brock, B. D. Brown, D. J. Brown, H. J. B. A. Dickie, D. G. Duke, W. G. Dutton, N. D. Dyson, M. N. Ellis, G. W. Glass, M. J. Haffey, R. W. Heather, K. E. Howie, P. R. Jewell, C. A. Keith, Ted Kerzner, R. C. Lee, T. J. Lockwood, R. D. McLean, Miss Jean MacFarland, G.A. MacPherson, L. H. Mandel, C. S. Martin, R. A. O'Donnell, Harvey Poss, T. H. Rachlin, V. I. Rogers, E. A. Sabol, W. G. Scott, W. P. Somers, J. R. Wesley, W. S. Wigle.

Group Instructors (Ottawa): J. H. Haydon, D. J. Hughes, W. R. Hunter, R. J. Kealey, J. R. Sigouin, Barry Starr, Paul Webber.

Group Instructors (London): G. L. Bladon, V. J. Calzonetti, W. L. Dewar, W. A. Jenkins, D. H. Proudfoot.

Stand-by Instructors (Osgoode Hall): G. D. E. Adair, D. H. Dixon, D. S. Forbes, L. G. Harlock, R. N. Kostyniuk, J. S. Lyons, C. M. MacIntyre, B. B. Papazian, J. M. Regan.

Stand-by Instructors (Ottawa): Paul Beseau, G. D. Hunter, R. W. Thompson.

Stand-by Instructors (London): B. A. Foster, R. E. Hutton, Armand Morrow.

(f) Faculty Appointments (Ottawa):

It was recommended that the following persons be appointed Senior Instructors in the sections of the Course shown, for the teaching term which commenced September 5th, 1978:

Appointee	*Section*
G. R. Morin	– Civil Procedure I
Kenneth Radnoff	– Civil Procedure II
Mrs. Allyne F. Thomson	– Family Law
A. S. Goldberg	– Creditors' & Debtors' Rights
D. C. Gavsie	– Income Tax
L. M. Joyal	– Law Office Administration
G. F. Henderson	– Professional Conduct
A. de Lotbiniere Panet	– Accounting in a Law Office
C. E. O'Connor	– Corporate & Commercial Law
L. J. Rasmussen	– Real Estate & Landlord & Tenant
R. G. Gravelle	– Estate Planning
J. C. Clarke	– Administration of Estates
J. B. Chadwick	– Legal Aid
W. D. Chilcott	– Criminal Law

(g) Faculty Appointments (London):

It was recommended that the following persons be appointed Senior Instructors in the sections of the Course shown for the teaching term which commenced September 5th, 1978:

Appointee	*Section*
J. R. Caskey	– Civil Procedure II
R. M. McClean	– Family Law
R. J. Flinn	– Creditors' & Debtors' Rights
S. N. Adams	– Income Tax

Appointee	*Section*
Samuel Lerner	– Law Office Administration
W. E. Bell	– Professional Conduct
W. L. Wood, C.A.	– Accounting in a Law Office
G. F. Plaxton	– Corporate & Commercial Law
J. G. O'Grady	– Real Estate & Landlord & Tenant
J. W. Cram	– Estate Planning
R. J. Lamon	– Administration of Estates
Mrs. G. J. Grant	– Legal Aid
Edward Richmond	– Criminal Procedure

Approved

BAR ADMISSION COURSE – FINANCING

The budget for the 1978-79 Bar Admission Course shows an expected deficit of $680,404. The Trustees of The Law Foundation of Ontario have approved a grant of the actual deficit incurred, not to exceed the budgeted deficit. The Trustees have advised that a new principle will be adopted in the future which will base the grant on a formula which will impose a limit on the upward change in the grant. The letter dated June 28th, 1978 written by the Secretary of the Foundation to the Treasurer was before the Committee.

The Committee recommended that this matter stand over pending further consideration of the report of the Sub-Committee on the Bar Admission Course.

BAR ADMISSION COURSE – ARTICLING

On 17th March, 1978, Convocation approved the Committee's recommendation that Messrs. N. MacL. Rogers and R. E. Salhany be appointed a Sub-Committee to study, report and make recommendations with respect to the following:

> A number of cases have arisen during the past year in which students-at-law have encountered difficulty in fulfilling the compulsory service under articles of clerkship for twelve consecutive months. These cases are of two kinds:
>
> (1) A student-at-law who wishes to become a student member of the Society, the condition of which is to commence service under articles, is unable to find an articling position.
>
> (2) A student member of the Society serving under articles has his or her articles terminated by the principal and is unable to find another articling position and have the articles assigned to a new

principal either at all or without interruption in the required twelve consecutive month period.

For the most part these cases have been resolved with a result that the student-at-law has not been deprived of the opportunity to fulfil the articling requirement. There are no established or recognized guidelines governing the manner in which articles of clerkship once entered into may be terminated by a principal or by a student. The cases which have arisen indicate the need for rules under paragraph 19 of Section 54 (1) of The Law Society Act defining and governing the employment of student members while under articles.

The Sub-Committee's report dated July 4th, 1978 is as follows:

1. There should be prepared a set of guidelines to principals dealing with the subject of the dismissal of articled law students. The guidelines could be added to the booklet that is now distributed by the Law Society to principals at the time articles are completed or could take the form of a separate document which is sent to the principal at such time.

The guidelines should be, as the term suggests, a guide and not a cut-and-dried regulation recognizing that the relation between student and lawyer cannot easily be the subject of regulation and that it is essential with the increasing number of law students that lawyers be encouraged to continue to employ articled students.

2. The guidelines would suggest that:

(a) where a student is to be dismissed for cause, the Law Society should be informed immediately with a view to its offering
    (i) its services, if required, to the student to obtain another position, or
    (ii) if both parties so request, to lend its good offices to resolve the dispute between them, not as an arbitrator but as a mediator;

(b) if a student wishes to leave his position with his principal immediately and believes he has a grievance against him, he should notify the Law Society and, if necessary, be put in touch with a Bencher to discuss the problem. The Bencher may, in turn, wish to discuss the matter with the principal;

(c) apart from the foregoing, where the principal and student wish mutually to agree upon the latter's termination of employment, it should be done with notice of at least one month.

The purpose of the guidelines is to minimize the length of time that the student may be without articles.

It should be made clear to a student that the onus remains upon him to seek promptly new articles, and that in situations where the Law Society is not satisfied that he has made a reasonable attempt then the Society may not be prepared to waive the lost time.

The Committee recommended that the report be adopted and the Director instructed to prepare draft guidelines.

1979 MARCH SPECIAL LECTURE SERIES

It was recommended that a Chairman and Vice-Chairman of the 1979 March Special Lecture Series be appointed with power to add to the Committee, to fix dates and plan programmes for the March Special Lecture Series for the year 1979.

The Committee recommended that Mr. Ian Outerbridge be appointed Chairman and that Mr. Mark Orkin be appointed Vice-Chairman of the March Special Lecture Series for the year 1979 with power to add to the Committee.

BAR ADMISSION COURSE – STUDENT RECEPTIONS

It was recommended that the Law Society receptions for students be held in the teaching term of the 20th Bar Admission Course at the places shown from 5:00 p.m. to 7:00 p.m. on the following dates:

Toronto – Wednesday, October 11th, 1978
Thursday, November 16th, 1978
Thursday, December 7th, 1978
Wednesday, January 10th, 1979
Thursday, February 15th, 1979

Ottawa – Friday, October 13th, 1978
Wednesday, January 24th, 1979

London – Tuesday, October 10th, 1978
Tuesday, January 9th, 1979

The Committee recommended approval and that the space formerly used in Osgoode Hall for holding the receptions be extended to include the Benchers' quarters.

BAR ADMISSION COURSE – DESTRUCTION OF EXAMINATION ANSWER BOOKS

The Committee was asked to approve the destruction of the examination answer books and computer cards of the 19th Bar Admission Course which concluded in February 1978, with the exception of such records of students who failed that Course.

Approved

BAR ADMISSION COURSE – ARTICLING SERVICE IN FRENCH TRANSLATION

The Senior Legislative Counsel of the Ministry of the Attorney General asked that a student member of the Society be allowed to serve under articles in his office in the role of the person in charge of the French translation of Ontario Statutes or as one of two persons overseeing the translating.

A letter dated August 16th, 1978 from Mr. Arthur N. Stone to the Director, was before the Committee.

The Committee recommended that the request be denied.

BAR ADMISSION COURSE AND CONTINUING EDUCATION – AUDIO VISUAL TECHNICIAN

The former arrangements between the Law Society and Mr. John Porietis, carrying on business under the name of J. P. Technical Services, are not being continued. During the past year the required services, both in the Bar Admission Course and Continuing Education programmes, have been largely performed by one Ken Petersen, an Audio Visual Technician employed for this purpose by Mr. Porietis. It was recommended that for the six-month period commencing September 1st the Society engage Mr. Petersen as a temporary employee of the Society to provide the necessary audio visual services for the Bar Admission Course during the teaching term and for Continuing Education programmes presented at Osgoode Hall.

Mr. John Porietis will continue to make his services available to the Society on a contract basis, as the occasion may arise. The Bar Admission Course budget for the current year included an item under the heading of "Audio Visual Technician" in the amount of $7,500.

Approved

SPECIAL PETITIONS

Fifteen petitions were before the Committee for its consideration. Eight petitioners sought permission to defer entry into the teaching term of the Bar Admission Course: four wished to pursue academic programmes; two to continue teaching law related subjects; one to accept employment with an Ontario Government Commission; and one because of financial and family reasons. The Committee approved these petitions but recommended in two instances that the petitioner be advised that no further deferment would be granted.

Two petitioners sought permission to vary the requirements for the articling period of the Bar Admission Course. The Committee recommended that both petitions be granted provided one petitioner serve a full thirteen months under articles or alternatively twelve months with not more than one week's holidays and the other petitioner serve full-time under articles from 1st May to 14th August, 1978 and from 27th April to 31st August, 1979 and satisfy the Committee that his proposals for service under articles from 14th August, 1978 to 27th April, 1979 will be equivalent of at least three months' full-time service under articles.

One petitioner requested permission to have the total of two periods of service under articles with two solicitors accepted in full of the articling requirement. He had not submitted articles of clerkship with the first principal but submitted documentation for this period with his petition. The Committee approved this petition.

One petitioner who had anticipated being called to the Quebec Bar in May 1978 will not be eligible for call until November 1978. He sought permission to defer entering the Bar Admission Course as an articled student to 30th August, 1979. The Committee recommended that he be granted permission to begin service under articles not later than 31st August, 1979.

One petitioner who had been pursuing post-LL.B. studies abroad and had experienced difficulty in obtaining an articling position upon his return advised that he had commenced service under articles on 1st August, 1978 and requested an extension of the five year rule to permit him to complete the Bar Admission Course by 1980. The Committee recommended that this request be granted.

One petitioner who had already been granted an extension of the five year rule to permit him to enter the Bar Admission Course commencing his articles of clerkship in September 1978 and had been advised that this permission was allowed with reluctance and no further extension would be granted petitioned for a further extension to September 1979. The Committee recommended that permission be refused and the petitioner advised that if he enters into service under articles and becomes a student member of the Law Society before 30th September, 1978, continuous service thereafter without holiday until 31st August, 1979, will be accepted in full of the articling requirement.

Finally, a petitioner who had been a member of the British Columbia Bar and permitted his membership to lapse while he was employed as counsel and in other capacities by various federal government commissions and agencies requested that he be exempted from the requirement of service under articles in the Bar Admission Course. The Committee recommended that this petition be refused.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the twelve-month period ending 30th June, 1978, and reviewed a summary of Continuing Education programmes presented in June, July and August, 1978 and a publications report for the same three-month period.

THE REPORT WAS ADOPTED

. . . .

MOTION: STUDENT MEMBERS – PERMISSIBLE ROLES IN LEGAL PRACTICE (COUNTY COURT)

It was moved, seconded and *carried* that the Society request the Chief County Court Judge to ask the members of his bench to permit articled students to continue performing in court the functions they performed in chambers before the recent changes in the Rules of Practice.

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

....

The Treasurer and Benchers had as their guests for luncheon Mesdames Suzanne Bristow, Barbara Carruthers, Sonja Evans and Joan Finlayson of the Women's Committee of the Sir William Campbell Foundation. The Committee arranged the "Campbell Ceilidh" held at Osgoode Hall to raise funds for completion of Campbell House.

....

CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer and Messrs. Brulé, Bynoe, Carnwath, Carrier, Carthy, Cass, Chadwick, Chappell, Farquharson, Fennell, Furlong, Ground, Guthrie, Kellock, Mrs. Legge, Messrs. Lochead, O'Brien, Ogilvie, Orkin, Pallett, Pepper, N. MacL. Rogers, Mesdames Sutherland and Tait, Messrs. Thom, White and Willoughby.

....

ADMISSIONS COMMITTEE (Continued)

Mr. J. D. Ground, Chairman, presented the balance of the Report of the Admissions Committee of its meeting on Thursday, 7th September, 1978.

The following members were present: Mr. Ground (Chairman), Mrs. Legge (Vice-Chairman), Messrs. Cass, R. J. Gray, Pallett, Mrs. Sutherland, and Mr. White.

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further five candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1977.

A total of 408 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1978.

Approved

DIRECT TRANSFER

The Committee considered six applications to transfer to practise in Ontario by lawyers from other common law provinces. Five sought to proceed under Regulation 4 (1) and one under Regulation 4 (1) and 3 (1). These applications were approved.

DIRECT TRANSFER FROM QUEBEC

The Committee considered and approved two applications to transfer to practise in Ontario by Quebec lawyers who sought to proceed under Regulation 4 (2). Both applications were approved.

FULL–TIME MEMBERS OF THE FACULTIES OF APPROVED LAW SCHOOLS

Nine members of approved law faculties asked to be called to the Bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. Letters confirming the eligibility of the applicants were received from the Deans of the relevant law schools for the following applicants:

Frederick George Bobiasz Faculty of Law University of Ottawa	B.Eng. Royal Military College 1964 LL.B. University of Ottawa, 1974 LL.M. Columbia University, New York 1975
Paul Joe Brenner Faculty of Law University of Windsor	LL.B. Hons. University of Melbourne, Australia 1971
Robert William Kerr Faculty of Law University of Windsor	B.A. University of New Brunswick 1964 LL.B. Dalhousie University 1967
James Alexander MacKenzie Faculty of Law University of Ottawa	B.Sc. University of Mount Allison 1962 LL.B. University of Ottawa 1967 Ph.D. (Law) London School of Economics and Political Science, 1970
Ian Alexander McDougall Faculty of Law Osgoode Hall Law School	B.A. Simon Fraser University 1970 LL.B. Osgoode Hall Law School 1971 LL.M. Harvard Law School 1972
John Robert Stobo Prichard Faculty of Law University of Toronto	M.B.A. University of Chicago 1971 LL.B. University of Toronto 1975 LL.M. Yale University 1976
Judith Wayne Lee Swan Faculty of Law University of Ottawa	B.A. McGill University 1966 LL.B. University of Alberta 1970 LL.M. University of London, England 1971
Laurence Charles Wilson Faculty of Law University of Windsor	LL.B. University of Saskatchewan 1974 LL.M. University of Manitoba 1976
John Alan Zinn Faculty of Law University of Western Ontario	LL.B. University of Toronto 1975 LL.M. Harvard University 1976

Approved, subject to the necessary documents being filed by Laurence Charles Wilson and approved by the Chairman and Secretary.

SPECIAL PETITIONS
BAR ADMISSION COURSE

The Committee considered two petitions for permission to enter the teaching portion of the Bar Admission Course. Inadvertently each petitioner had failed to file an Application for Admission to the Course and Articles of Clerkship. Each filed the necessary papers, paid a late filing fine of $100 and was permitted to enter the teaching portion of the Course pending the Committee's consideration of the petition. Both petitions were approved.

EXTERNAL EXAMINATIONS

Seven candidates who were approved by the Committee to proceed under Regulation 4 (2) sat the required examination at Osgoode Hall.

The examinations were identified only by numbers and a report of the examiners was before the Committee.

Five candidates passed and two failed.

Approved

REQUEST FOR SPECIAL CALL TO THE BAR

A full-time member of the faculty of law of an approved law school since 1976 asked to be called to the Bar and admitted as a solicitor in Ontario without examination under Regulation 9. The correspondent is a member of the Illinois Bar, a citizen of the United States of America and a landed immigrant in Canada.

The Committee recommended that the correspondent not be called to the Bar in Ontario while the correspondent is not a Canadian citizen or other British subject.

THE REPORT WAS ADOPTED

. . . .

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the

Finance Committee of its meeting on Thursday, 7th September, 1978.

The following members were present: Messrs. Pallett (Acting Chairman); Fennell, Ground, Guthrie and Ogilvie.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Harold Joseph Rubenstein, Toronto	Called – 16 September 1943 Appointed Judge, Small Claims Court, Judicial District of York – 3 May 1978
William Preston Ross, Toronto	Called – 17 March 1967 Appointed Provincial Judge, Criminal Division, Judicial District of York – 10 May 1978
Marvin Arthur Zuker, Toronto	Called – 21 March 1969 Appointed Judge, Small Claims Court, Judicial District of York – 24 May 1978
Stuart David Cork, Toronto	Called – 25 June 1959 Appointed Master, Supreme Court of Ontario – 19 April 1978
William Joseph Luchak, Hamilton	Called – 19 June 1952 Appointed County Court Judge, County of Lambton – 22 June 1978
Paul Raoul Belanger, Ottawa	Called – 19 March 1970 Appointed Provincial Court Judge, Criminal Division, Judicial District of Ottawa-Carleton – 14 June 1978
Joseph Hector Soubliere, North Bay	Called – 21 February 1955 Appointed County Court Judge, Judicial District of Ottawa-Carleton – 22 June 1978
Richard Harry Donald, Q.C., Oshawa	Called – 16 September 1960 Appointed Provincial Court Judge, Family Division, Judicial District of Durham – 28 June 1978

Paul Harold Megginson, Kingston	Called – 17 March 1967 Appointed Provincial Judge, Criminal Division, County of Frontenac – 2 August 1978
Charles Scullion, Toronto	Called – 18 June 1971 Appointed Provincial Judge, Criminal Division, Judicial District of York – 23 August 1978
Welberne Wayne Cohen, Q.C., Sault Ste. Marie	Called – 12 April 1962 Appointed Provincial Judge, Criminal Division, Judicial District of Algoma – 2 August 1978
Timothy Charles Tierney, Ottawa	Called – 19 April 1963 Appointed Small Claims Court Judge, Judicial District of Ottawa-Carleton – 2 August 1978

Deaths

The following members have died:

William Edward Horkins, Q.C., Toronto	Called – 28 September 1950 Died – 10 June 1978
John Labatt Reid, Q.C., Barrie (Life Member)	Called – 2 October 1926 Died – 22 June 1978
Gordon Arthur Haase, Drumheller, Alberta	Called – 22 March 1974 Died – 15 April 1978
Alexander Adam Babits, Ottawa	Called – 25 March 1977 Died – 23 June 1978
John Gwyn Osler, Q.C., Toronto	Called – 17 June 1937 Died – 5 July 1978
Marc Stanislas Kaczkowski, Toronto	Called – 22 March 1974 Died – 21 July 1978
Alfred Stanley Marriott, Q.C., Toronto	Called – 25 April 1946 Died – 24 August 1978
William Hewson Zimmerman, Q.C., Toronto	Called – 29 June 1950 Died – 28 August 1978
Stewart Sawle MacInnes, Q.C., Welland (Life Member)	Called – 21 June 1928 Died – 11 August 1978
Graeme Lewis Cameron, Sault Ste. Marie	Called – 19 March 1970 Died – 23 August 1978

Cecil Cyril Carrothers, London (Life Member)	Called – 19 June 1924 Died – 10 August 1978

Disbarment

The following former member has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Society:

Dana Livingstone Innes Smith, Terra Cotta	Called – 10 April 1964 Disbarred – Convocation 29 June 1978

Noted

MEMBERSHIP UNDER RULE 50 – RETIRED MEMBERS

The following members who are sixty-five years of age and over and who are fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees:

John Hewitt Amys, Q.C.	Toronto
Alfred William Grant Farwell	Hamilton
John Manuel Arnold	Toronto
Price Jackes Simmers, Q.C.	Cambridge
Wilmot Bulkley Gordon, Q.C.	Peterborough

Approved

MEMBERSHIP UNDER RULE 50 – INCAPACITATED MEMBER

Fred Basil Salhany, Q.C., who is sixty-two years of age, requested consideration of his application under the new provision of Rule 50, which allows a disabled member to continue his membership without payment of annual fee.

Approved

RESIGNATION

Audrey Therese Christine Bayduza applied for permission to resign her membership in the Society. Her letter of 16 August 1978 was submitted in lieu of the usual Statutory Declaration. Miss Bayduza has not engaged in the practice of law in Ontario since 1976 and is now a resident of France. She complied with the requirements respecting the Errors and Omissions Insurance Plan and annual filing. However, her rights and privileges were suspended on the 3rd April for failure to pay fees for 1977-78.

The Committee recommended that she be advised that her application to be permitted to resign will be considered when she has brought herself into good standing.

LIFE MEMBERS

Pursuant to Rule 49, the following became eligible during 1978 to be Life Members of the Society:

Name	*Address*
Frederick Alan Beck, Q.C.	Toronto
Charles Adams Bell, Q.C.	Windsor
George Maurice Bleakney	Ottawa
Robert James Booth	Ottawa
Henry Lennox Cartwright	Kingston
The Honourable Lionel Chevrier, P.C., C.C., Q.C.	Montreal
John Lash Coburn	Ancaster
John Harley Crawford, Q.C.	Wingham
Irvine Philip Dickler, Q.C.	Toronto
Gerald Ernest Eastman, Q.C.	Kitchener
The Honourable Donald Methuen Fleming, P.C., Q.C.	Willowdale
George Edward Hill, Q.C.	Toronto
Russell Dodsley Humphreys, Q.C.	Oshawa
Kevey Koskey, Q.C.	Hamilton
Henry Eden Langford, Q.C.	Toronto
Harold Franklin Lazier, Q.C.	Hamilton
Maxwell Alexander Levy, Q.C.	Toronto
Robert Hewett Littlejohn	Toronto
Robert Alan MacDougall, Q.C.	Woodstock
Stewart Sawle MacInnes, Q.C.	Welland
The Honourable Paul Joseph James Martin, Q.C.	London, England
Harry Louis Mendelson, Q.C.	Toronto
Ralph Shaw Mills, Q.C.	Toronto
Harold Ernest Roberts	Toronto
Sidney Hamlin Robinson, Q.C.	Toronto
Henry David Rotenberg	Toronto
Cuthbert Aidan Scott, Q.C.	Ottawa
Francis Joseph Sparham, Q.C.	Downsview
Alfred H. Stevenson, Q.C.	Amherstburg
Nathan Strauss, Q.C.	Toronto
William Cyril Henry Terry, Q.C.	Toronto

John Henderson Thomson, Q.C.	Toronto
William Govier Tucker, Q.C.	Toronto
William Merion Vickers, Q.C.	Toronto
Hugh Canniff Willson, Q.C.	Perth
Charles Edward Woodrow, Q.C.	Islington

Approved

CHANGES OF NAME

The following members requested that their names be changed on the Rolls of the Society:

From	*To*
Lucio Anthony Acciaccaferro	Lucio Anthony *Ferro* (Court Order)
Beverley Baines Wilson	Beverley *Baines* (Maiden Name)

Approved

The following student members requested that their names be changed on the Rolls of the Society:

From	*To*
Beverly Eileen Wexler-Kogan	Beverly Wexler *Kogan*
Kin Cheong Au	*John* Kin Cheong Au (Court Order)
Harold Tewel	Harold *Tevel* (Court Order)
Jennifer Gail Catherine Menzies	Jennifer Gail Catherine *Carten* (Married Name)
Jane Mary Kerrigan	Jane Mary Kerrigan *Brownridge* (Married Name)
Barbara Joan Pawling	Barbara Joan *Hejduk* (Married Name)

Approved

ANNUAL FINANCIAL STATEMENT

A draft Financial Statement for the year ended 30 June 1978, together with the report of the auditors was before the Committee. The Committee was asked to approve the Statement so that it may be laid before September Convocation and in turn laid before the members at the Annual Meeting on 19 October 1978.

In addition to approving the statement, the Committee was asked specifically to approve a special appropriation of $400,000 in respect of major capital expenditure. This special appropriation, which is in addition to the regular annual appropriation of $375,000, was recommended because of the amount being spent on building and fence reconstruction.

A statement for the year ended 30 June 1978 was before the Committee, prepared in the same format as the statements which are submitted to this Committee each month. The purpose of presenting this statement was to show a comparison between actual income and expenditure for the year and the Budget.

Approved, including the special appropriation of $400,000.

REFUND OF FEES

Lawrence A. Steinberg withdrew from the Bar Admission Course prior to completion of the articling year and applied for a refund of the admission fee of $101. The Committee was asked to approve this refund, subject to deduction of $25 for administration expenses.

Approved

GENERAL MAINTENANCE

Mr. Arthur Heeney recommended that preventive maintenance service respecting air conditioning and other mechanical equipment provided by Angus Consulting Management Limited be increased. This is expected to increase expenses over the next three months from $1,500 to $3,000.

Approved

ERRORS AND OMISSIONS INSURANCE PLAN

Sixteen members of the Society who were called to the Bar in April 1978 have not complied with the requirements respecting Errors and Omissions Insurance Plan. The members in default have received reminders and the Committee was asked to approve that they be advised on 7 September 1978 that Convocation on 15 September 1978 will have before it a recommendation that their rights and privileges as members of the Society be suspended.

Approved

CANADIAN BAR ASSOCIATION, ONTARIO BRANCH

Annual Mid-Winter Meeting. The Association requested that the Society sponsor a Reception prior to a Dinner to be held on Saturday, 10th February, 1979, at the Sheraton Centre. Last year a reception held in Ottawa cost $2,844.38.

Approved

General Council Meetings, Ontario/Quebec, June 1979. The Association asked permission to use the Society's premises for a reception and luncheon on Friday, 15 June, 1979. The estimated attendance is 100 to 150 persons and since Convocation Hall is not normally available at mid-day, it was recommended that the reception and luncheon be confined to the Lawyers' Lounge.

Approved

BENCHERS' DINING ROOM

Dinnerware and flatware used in the Benchers' Dining Room had been supplied by the catering company and was allowed to remain here after the Society ceased using that company. The catering company claimed its property and it is necessary to purchase dinnerware and flatware.

It was recommended that sufficient dinnerware and flatware be purchased for 100 persons. Recommended patterns are: Aynsley – Elizabeth; Birks – Regency Plate.

Estimated costs are $12,000 for dinnerware and $5,000 for flatware. Provision was not made for these items in the

Budget.

Approved

The Chairman made special mention of the fact that Mr. Nathan Strauss will become a Life Member of the Society on 18th October, 1978, and paid tribute to his contribution to the work of the Bench.

INCLUDING THE ANNUAL FINANCIAL STATEMENT

THE REPORT WAS ADOPTED

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MOTION TO SUSPEND: ARREARS OF ERRORS AND OMISSIONS INSURANCE (NEW MEMBERS) 1978

It was moved, seconded and *carried* that the rights and privileges of those members who failed to pay the levy prescribed under Section 53 of The Law Society Act within the period specified be suspended from 15th September, 1978 until their levies are paid or until applications for exemption from coverage are approved.

Of the sixteen members whose names were before Convocation on 15th September, 1978, four were suspended as of that date. All four were subsequently reinstated.

....

DISCIPLINE COMMITTEE–Mr. Lochead

GENERAL

Mr. G. H. Lochead, Chairman, presented the Report of the Policy Section of the Discipline Committee of its meetings on Thursday, 7th September, and Thursday, 14th September, 1978.

On Thursday, September 7th, 1978 the following members were present: Messrs. Lochead (Chairman), Carnwath (Vice-Chairman), Cass, Chappell, Furlong, Kellock, Zahoruk and Mrs. Sutherland, and on Thursday, September 14th, 1978 the following members were present: Messrs. Lochead (Chairman), Carnwath (Vice-Chairman), Chappell, Furlong, Kellock, Ruby and Mrs. Sutherland.

1. At its meeting on 7th September the Committee authorized the appointment by the Chairman of a Sub-Committee to examine the respective roles of the Discipline Committee and Convocation in the discipline process.

2. A number of other matters were considered with the necessary isntructions being given in each instance.

3. The Committee gave detailed consideration to a proposed revision of discipline procedures in Convocation. When the Committee reconvened on September 14th it was decided, after considerable discussion, to refer these proposed revisions to the aforementioned Sub-Committee. The Sub-Committee was also asked to consider what revisions, if any, should be made to procedures being followed at sittings of the Discipline Committee.

4. Mr. Anderson recently spent a month in Florida acting as consultant to the Bar of that State in setting up an auditing program for the auditing of trust accounts in disciplinary cases. The Committee authorized and instructed the Chairman to express to Mr. Anderson its appreciation for his contribution in the area of public relations.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARIES

Mr. Lochead presented the Compensation Fund Summary for the period 1st July, 1977 to 30th June, 1978.

COMPENSATION FUND

For the Period from 1st July, 1977 to 30th June, 1978

(12 months)

TOTAL RECEIPTS	$ 405,338.24
TOTAL DISBURSEMENTS	$ 199,462.54
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 205,875.70
BALANCE OF FUND at beginning of period	$1,360,674.79
BALANCE OF FUND at end of period	$1,566,550.49

RESUME OF GROSS OUTSTANDING CLAIMS

CLAIMS RECEIVED and in the course of being processed as of 30th June, 1978	$3,510,011.16
TOTAL PAID to 30th June, 1978 from the commencement of the Fund on account of 1,025 claims of 114 former members	$4,192,785.83

THE SUMMARY WAS RECEIVED

. . . .

Mr. Lochead presented the Compensation Fund Summary for the period ended 31st August, 1978.

COMPENSATION FUND

For the Period from 1st July, 1978 to 31st August, 1978

(2 months)

TOTAL RECEIPTS	$ (10,362.66)
TOTAL DISBURSEMENTS	$ 11,494.81

EXCESS OF DISBURSEMENTS OVER RECEIPTS	$ (21,857.47)
BALANCE OF FUND at beginning of period	$1,566,550.49
BALANCE OF FUND at end of period	$1,544,693.02

RESUME OF GROSS OUTSTANDING CLAIMS

CLAIMS RECEIVED and in the course of being processed as of 31st August, 1978	$3,580,895.74
TOTAL PAID to 31st August, 1978 from the commencement of the Fund on account of 1,026 claims of 114 former solicitors	$4,203,455.64

THE SUMMARY WAS RECEIVED

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SPECIAL COMMITTEE ON ADVERTISING

Mr. Brendan O'Brien, Chairman, tabled the Report of the Special Committee on Advertising dated 15th September, 1978, respecting its three recent meetings.

It was moved, seconded and *carried* that consideration of the Report by Convocation be deferred to the next Convocation.

. . . .

ERRORS AND OMISSIONS INSURANCE COMMITTEE
– Mr. Kellock

Mr. B. H. Kellock, Chairman, presented the Report of the Errors and Omissions Insurance Committee of its meeting on Thursday, 7th September, 1978.

The following members were present: Messrs. Kellock (Chairman), Carthy, Outerbridge, W. P. Rogers, Wallace and Mrs. Legge.

MONTHLY REPORT

Mr. Stinton's monthly report was before the Committee.

Noted

1978 STATISTICS

The Committee had before it a statistical analysis showing the areas of law in which claims have arisen and the primary and secondary causes of loss.

Noted

LOSS PREVENTION MANUAL – REVISION

A letter from Miss Morham was before the Committee suggesting revisions to the limitation of accounts table and asking for the Committee's guidance.

The Committee recommended that for the next printing of the manual Miss Morham consider inserting a headnote to the section on limitations to draw attention to the fact that more than one legislative provision may apply depending on the circumstances and that members are responsible for determining what provisions apply in any particular case.

QUARTERLY REPORT – CLOSED CLAIMS

A quarterly report re Closed Claims at June 30th, 1978, was before the Committee.

Noted

FINANCIAL STATEMENT – JUNE 30th, 1978

A memorandum from Mr. Stinton was before the Committee outlining the financial statement for the 1977 and 1978 Fund.

Noted

CLAIMS MANAGER

The Chairman reported that in the search for a successor to Mr. Stinton who wishes to retire, two applicants had been interviewed and interviews will be arranged with two others.

THE REPORT WAS ADOPTED

. . . .

Mr. Kellock presented the Report of the Errors and Omissions Insurance Committee of its meeting on Thursday, 14th September, 1978.

The following members were present: Messrs. Kellock (Chairman), Carthy, Outerbridge, W. P. Rogers and Mrs. Legge. Mr. Peter Norman attended at the Chairman's request.

The purpose of the meeting was to consider and recommend what the levy for the Errors and Omissions Insurance coverage should be for 1979. The Committee had the advice of the Society's brokers Messrs. Marsh & McLennan, Limited as well as the assistance of Mr. Harry Stinton, the Society's Claims Manager and Mr. Peter Norman, the consultant who has advised the Society with respect to its liability insurance programme.

The Committee recommended that the levy for 1979 be $450 an increase of $75 over last year.

The amount paid to Gestas Limited, the company representing the underwriters was $70 last year. Of that, $10 was paid into a premium stabilization fund which was to be maintained for five years to be available to underwriters at the end of that period in the event the loss record showed that underwriters had suffered loss. The fund is to be returned to the Society if it is not needed. The remaining $60 of last year's $70 payment to Gestas was the premium in respect of both the basic coverage and the stop loss coverage. Mr. Hugh Morland of Marsh & McLennan, Limited reported that the losses paid and reserved to date in 1978 if they continue at the same rate for the balance of the year would result in a loss ratio of 123%. There is of course no way of knowing whether this rate of loss will in fact continue to the end of the year. The brokers' negotiations with Gestas Limited resulted in the underwriters offering to accept an increase in pure premium from $60 to $85 plus $10 to be paid into the premium stabilization fund, the interest earned by the fund to be retained in the fund. The Committee recommended that the premium proposed by Gestas Limited be accepted.

With respect to the remainder of the levy which maintains the Society's group deductible fund as well as the costs of adjusting and administrative expenses, the Committee had before it the following projected costs in round figures. Assuming a levy of $450 per insured member and that there will be approximately 9,500 members, the following table sets forth the disposition of funds:

$450 x 9,500	=	$4,275,000	
To Gestas for premium $902,400	=	$3,372,500	
To stop loss (Society's fund) $2,150,000	=	$1,222,500	
To adjusting $700,000	=	$522,500	
To administration $150,000	=	$372,500	
To loss prevention service $100,000	=	$272,500	possible surplus
To brokerage fee $50,000 leaving a possible surplus of $222,500			

With respect to the second last item listed above, the Committee considered once again what loss prevention techniques might be employed to combat the increasing rate of loss which has been noticeable chiefly in the areas of real estate and limitations. The Committee is considering making an adviser available to those who need advice and assistance in the organization of their professional duties.

The Committee recommended that it be made mandatory for every law practice to maintain a limitation reminder or tickler system and that it be mandatory for every real estate file to contain the notes of the search on title. The Committee asked Convocation to approve of these requirements being adopted and to request the Professional Conduct Committee to amend the Professional Conduct Rulings to reflect this requirement.

THE REPORT WAS ADOPTED

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MOTION: **ERRORS AND OMISSIONS INSURANCE LEVY 1979**

It was moved, seconded and *carried* that the Errors and Omissions Insurance levy for members of the Society in 1979 be $450 per member.

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. H. G. Chappell, Vice-Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 7th September, 1978.

The following members were present: Messrs. Chappell (Acting Chairman), Carnwath, Fennell, Lochead, McWilliams, Outerbridge, Mrs. Sutherland, Messrs. Tobias and Zahoruk.

1. A member of the profession, Mr. S, wrote to the Committee advising that he was currently employed as a salaried solicitor with a lawyer, Mr. P. It was his intention to purchase Mr. P's practice as of a specific date. Mr. P would at that time become a full-time salaried employee and would be available on a consultative basis one day a week or more as required during the following two months. Upon the expiration of the three months Mr. P would join a Toronto firm as a salaried employee but would continue to be available on a consultative basis. The member has asked whether it would be proper for him to carry on the practice as "P & S" for a period of two years from the date that the practice was purchased. During this period of time Mr. P would be listed as "counsel". The Committee instructed the Secretary to advise that it could see nothing improper in the proposed arrangement.

2. Mr. T wrote to the Society to report what he considered to be a conflict of interest involving Mr. C. The following are the facts. Mr. T presently acts for Mrs. W in the preparation of a defence in actions brought against her by various individuals including her husband, the said individuals being represented by Mr. C's law firm. Sometime ago a gift of $300,000.00 was made to Mrs. W's husband by a third party. He decided that the money should be given to Mrs. W instead, and it was accordingly deposited in her account. Subsequently Mr. and Mrs. W attended at Mr. C's firm. At this time they received tax advice relative to these monies. It is Mr. T's contention that at this stage C's firm were solicitors for Mr. and Mrs. W.

Apparently accounts were rendered to Mrs. W separately on other matters. Mr. C prepared the documentation by which some of the aforementioned money was deposited to other individuals. Sometime later as a result of an incident involving Mr. W and a gun Mrs. W fled her home with her two children leaving the Province. Shortly thereafter the donor of the $300,000.00 laid a charge of theft against Mrs. W. Recently outside a court room in the Old City Hall attempts were made to serve Mrs. W with notices of motion for custody and access by Mr. W, a divorce petition and certain Writs including one by Mr. W for malicious prosecution. In all these actions or matters Mr. C's firm is shown as solicitor for the plaintiffs.

Mr. C was given an opportunity to put his position to the Committee by way of letter. He has taken the position that his firm was initially approached by W who had had a tax problem which did not involve his wife. This problem had come to a head as a result of the gift of money referred to above. As far as Mr. C was concerned Mrs. W's attendance with her husband was of a strictly passive nature and confined to the taking of notes of the interview. Any instructions received were from Mr. W. Any monies for retainers were likewise received from Mr. W. Mr. C's position therefore is that his firm's client throughout has been Mr. W and not Mrs. W. The Secretary was instructed to advise both lawyers that the problem had been considered and that new Rule 5 appeared to be relevant, and therefore was instructed that there be forwarded to both lawyers a copy of the said Rule on "Impartiality and Conflict of Interest".

3. The Committee had before it a letter from a member of the profession wherein he posed several questions as to what would be considered permissible in a professional relationship between an Ontario and an English solicitor. A Sub-Committee was appointed composed of Mr. Tobias as Chairman and Messrs. McWilliams and Outerbridge to consider the matter and to report back.

4. A number of other matters were considered, appropriate instructions being issued with respect to each.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE
–Mr. N. MacL. Rogers

Mr. N. MacL. Rogers, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 7th September, 1978.

The following members were present: Messrs. N. MacL. Rogers (Chairman), Chappell, Salhany, Mrs. Tait, and Mr. Wallace, and Miss A. R. McCormick.

GREAT LIBRARY

SHELVING IN GREAT LIBRARY

The Secretary reported that Mr. Heeney had requested $800 for shelving in the Main Reading Room of the Great Library which is necessary because of the Building Renovations.

Approved, subject to the approval of the Finance Committee.

GREAT LIBRARY
BOUND NEWSPAPERS

Mr. William Cooper, Archivist, Private Manuscripts Section, Ontario Archives, offered to provide the Great Library with a free positive microfilm copy of the *Patriot,* a newspaper published in Toronto from 1829 to 1854 when it merged with the *Toronto Leader,* in return for a donation of 7 bound volumes of the *Patriot,* October 12, 1829 – September 26, 1848, which are held by the Library.

The same arrangement pertains to the Toronto *Examiner,* July 19, 1848 – February 23, 1853, and the Kingston *Chronicle,* July 1, 1825 – June 30, 1826, in return for the bound volumes of these newspapers, also held by the Great

Library, except that the microfilm relates to these dates only. Central location of these newspapers in the Ontario Archives would make access by researchers to this material easier and more desirable. At the same time, the Great Library would have access to all of the *Patriot* and to the other two volumes noted above by means of the microfilm copies provided.

It was recommended that these volumes be presented to the Ontario Archives under the terms offered.

Approved

BOOK LIST

A list of books recently purchased was submitted for approval, together with a brief description of the acquisition policy.

Approved except for one volume costing $315.

GIFTS AND DONATIONS

The following donations were received by the Great Library:

J. John O'Donoghue, Solicitor, Toronto, Ontario.	13 bound volumes of *The Ontario Reports.*
Robert Anderson, C.A. Toronto, Ontario.	Loose parts, various volumes, *The Canadian Chartered Accountant* and the *Canadian Tax Journal.*

Noted

COUNTY LAW LIBRARIES

SUB–COMMITTEE ON COUNTY LAW LIBRARY GRANTS

The Secretary reported that the Society's application to the Law Foundation for $258,518.92 was granted as follows:

		Applied for	*Granted*
1.	For upkeep of basic materials 1979	$ 48,017.00	$ 35,000.00
2.	Salaries – Assistance 1979	137,800.00	110,000.00

3.	Re-allocation	24,000.00	Nil
4.	Central Administrative Programme	48,701.92	25,000.00
		$258,518.92	$170,000.00

The Secretary also reported that the Chairman of the Foundation indicated that the Trustees contemplate continuing to assist with the cost of capital improvements, i.e., acquisition of books not previously owned by the various Counties and Districts. The Society should not count on the Foundation extending indefinitely assistance in respect of the cost of salaries and administration.

The Secretary was instructed to refer this matter to the Sub-Committee in order that a policy could be formulated for the spending of the money granted by the Trustees and also to formulate a policy on the future of the Central Administrative Programme and whether there should be a staff reduction.

DISTRICT OF MANITOULIN – LIBRARY

The Secretary reported that he had received a letter from Mr. John G. Lane, M.P.P., Algoma-Manitoulin, Assistant to the Minister of Northern Affairs, in which he indicated that there are now three lawyers resident on Manitoulin Island and there is no law library in the Gore Bay Court House. The letter requested that a minimum law library be established in the court house in the Town of Gore Bay, so that the three resident practising lawyers and the judges would have access to a law library.

The Committee recommended that a miminum basic law library be established at the Gore Bay Court House and that the Chief Librarian investigate how much in excess of $10,500 would be needed to establish such a library.

REPORTING

SUB–COMMITTEE ON LAW REPORTING – BLUE PAGES

The Secretary reported that this matter had been put over to the September Meeting in order that further quotations could be obtained from printers in the distribution of the Blue Pages to the profession at cost on a subscription basis. There were no further estimates before the Committee and this matter was put over until the next Committee Meeting.

Noted

REPORTING OF JUDGMENTS OF THE QUEBEC COURTS DEALING WITH FEDERAL LEGISLATION

The Secretary reported that he had received copies of letters respecting this matter from Chief Justice Howland and Jean-Pierre Barrett. The Chairman reported that this matter is being considered by Canadian Law Information Council and the law book publishers.

Noted

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mrs. L. L. Legge presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 7th September, 1978.

The following members were present: Messrs. White (Chairman), Furlong, Mrs. Legge, Seagram and Tobias.

1. Three accounts were approved by the Committee.

2. The Secretary reported that he had received a complaint from a solicitor that Metro Tenants Legal Services, which is funded by Legal Aid, had been giving legal advice through one of its community legal workers. The Secretary was instructed to write to the Chairman of the Legal Aid Committee to ascertain what powers the community legal aid clinics funded by the Committee have to advise the public because it appeared to the Committee that the advice of one of the community legal workers may have been contrary to Section 50 of The Law Society Act. The Secretary was also instructed to ask the Chairman of the Legal Aid Committee how the community

legal workers are supervised by the full-time solicitor employed by the clinic and if there are guidelines laid down for the community legal workers when they are advising the public. The Secretary was instructed to send a copy of the report received from the complainant to the Chairman of the Legal Aid Committee.

3. The Committee considered three letters from the President of the Sudbury District Law Association which asked for the opinion of the Committee as to whether the proposed Sudbury Community Legal Clinic, which may obtain funding from Legal Aid, might be giving legal advice through its community legal workers, even though they will be supervised by a solicitor. The Secretary was instructed to send copies of the President's letters to the Chairman of the Legal Aid Committee asking how the supervision by the full-time solicitor employed by the clinic would apply to the community legal workers and if there are any guidelines laid down by the Legal Aid Committee for the community legal workers.

4. The Secretary reported that he had received a complaint that a divorce service had been advertising that it would draft pleadings in a divorce action. The Secretary was instructed to have an investigator interview the individual who placed the advertisement to ascertain if there is sufficient evidence of holding out contrary to Section 50 of The Law Society Act, and if there is to refer the matter to counsel for prosecution.

5. The Secretary reported that he had received a letter from the Institute of Law Clerks of Ontario expressing their concern with respect to the wording on the professional card of an individual as "Legal Consultant". The Secretary was instructed to have an investigator interview this individual to ascertain what activities he intends to engage in and if there is sufficient evidence of a contravention of Section 50 of The Law Society Act to refer the matter to counsel for a prosecution.

6. The Secretary reported that he had received two complaints that two individuals were listed together in the Thunder Bay telephone directory as "Paralegals and Assistants-At-Law". The Secretary was instructed to have this matter investigated to see whether there was sufficient evidence of holding out contrary to Section 50 of The Law Society Act and if there was to refer the matter to counsel for a prosecution.

7. The Secretary reported that he had received a complaint from a solicitor respecting an advertisement in the London Free Press by associates for the incorporation of businesses. The Secretary was instructed to have the person who placed the advertisement interviewed and to report back to the Committee.

8. The Secretary reported that he had received three complaints from solicitors respecting an advertisement placed in a Richmond Hill newspaper by associates for incorporating businesses. The Secretary was instructed to carry out an investigation to see whether there is sufficient evidence of holding out that these individuals are solicitors contrary to Section 50 of The Law Society Act.

THE REPORT WAS ADOPTED

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PUBLIC REALTIONS COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Public Relations Committee of its meeting on Thursday, 7th September, 1978.

The following members were present: Messrs. Carthy (Chairman), Outerbridge, Seagram and Tobias.

INSTITUTIONAL ADVERTISING

The Committee was asked to consider instituting a programme of institutional advertising.

(a) Pamphlet on Osgoode Hall – Tours

The Committee recommended that, subject to approval of costs, a brochure on Osgoode Hall be printed and distributed to visitors to the Hall and that guided tours be arranged during the tourist season.

(b) Panels on Family Law Reform Act

The Committee also recommended that the Society arrange panels of speakers to speak in centres throughout the Province to explain to the public the implications of the Family Law Reform Act. The Attorney General's department should be asked to supply literature and the filmed presentation to be used by the panelists.

LAWYER REFERRAL SERVICE

A letter from John Beaufoy was before the Committee suggesting that the lawyer referral service be advertised in the personal columns of certain newspapers.

Approved

THE REPORT WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. M. M. Orkin, Vice-Chairman, presented the Report of the Legislation and Rules Committee of its meeting on Thursday, 14th September, 1978.

The following members were present: Messrs. Furlong (Chairman), Orkin and Shibley, and Mrs. Legge.

RULES TO SET UP COMMITTEES

The Committee's report of 15th June 1978 contained the following item:

> "For the purpose of enabling the concurrent sitting of two portions of the Discipline Committee hearing separate complaints, rule 27a. has been created:
>
> > 27a. For the purposes of sections 33, 34, 35, 37 and 38 of The Law Society Act any three benchers who are members of the Discipline Committee constitute a committee of Convocation and more than one such committee may conduct a hearing or inquiry contemporaneously."

The report was adopted by Convocation on the 16th of June 1978. It was subsequently suggested to the Chairman of this Committee that there was some difficulty with the wording of this new section and as a result it was recommended that it be amended to read as follows:

> 27a. For the purposes of sections 33, 34, 35, 37 and 38 of The Law Society Act any three or more benchers who are members of the Discipline Committee constitute a committee of Convocation, and two or more such committees may conduct hearings or inquiries contemporaneously.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 7th September, 1978.

APPLICATION

The Committee had before it one application for a grant and recommended that a grant be made.

STUDENT APPLICATION

The Committee received an application from a student who had failed the Bar Admission Course because of medical difficulties. He was granted permission to take the examinations in the subjects he had failed and if successful, to be called to the Bar. Meanwhile, he is in dire financial straits. On the basis of information supplied by the applicant's counsel, the Chairman authorized that an immediate grant be made.

The Committee recommended that the Chairman's action be ratified and that a further grant be given the applicant forthwith.

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 5:00 P.M.

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Read in Convocation and confirmed 20th October, 1978.

G. D. FINLAYSON
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Friday, 29th September, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Carnwath, Carrier, Carter, Cass, Chappell, Cooper, Farquharson, Ground, Mrs. Legge, Messrs. McWilliams, O'Brien, Ogilvie, Outerbridge, Pallett, Pepper, Pomerant, W. P. Rogers, Seagram, Mesdames Sutherland and Tait, and Messrs. Thom and Zahoruk.

. . . .

SPECIAL COMMITTEE ON ADVERTISING

Mr. Brendan O'Brien, Chairman, had tabled the Report of the Special Committee on Advertising dated 15th September, 1978, at the regular September Convocation on 15th September, 1978. On motion moved, seconded and carried, Convocation deferred consideration of the Report to the next Convocation. The Treasurer subsequently summoned a Special Convocation for the purpose of considering the said Report.

Convocation proceeded to consider the Report, dealing with each of the Committee's recommendations separately.

After considerable discussion and a number of motions, some of which were adopted, Convocation made the following disposition of the recommendations:

Recommendation 1, as changed, was *adopted.*

Recommendation 2, as changed and amended, was *adopted.*

Recommendation 3, as changed, was *adopted.*

Recommendation 4 was *adopted.*

Recommendation 5, as changed, was *adopted.*

Recommendation 6 was *adopted.*

Recommendation 7 – The Committee's report with respect to the subject-matter of this item was *adopted.*

The Report of the Special Committee, as re-engrossed to incorporate the amendments and changes adopted by Convocation and dated 29th September, 1978, is as follows:

Your Committee has met three times, most recently on the 6th September at 3:00 o'clock in the afternoon when there were present Mr. O'Brien (Chairman), Messrs. Carrier, Fennell, Outerbridge and White.

Your Committee is aware of the recommendations of the Special Committee on Competence in the Practice of Law which were adopted in principle by Convocation on the 16th of June. The members of your Committee have seen material from other jurisdictions, both in Canada and elsewhere including the provisions respecting advertising which have been made in other Canadian Provinces, examples of newspaper and other advertising from the United States and some Canadian Provinces. Some of the members of the Committee attended the Canadian Bar Association's National Public Forum on Lawyer Advertising which took place in May of this year.

1. Your Committee recommends that the Society place institutional advertising for the purpose of informing the public what services lawyers provide and how to find a lawyer and suggests that the Public Relations Committee be asked to propose the details of such advertising and what media including television, radio, in newspapers and elsewhere should be employed.

2. In this connection, your Committee suggests that institutional advertising should be used at the head of the section of the yellow pages of the telephone directory dealing with lawyers and, when the Society has determined the categories of preferred practice and the qualification to indicate categories of preferred practice, such institutional advertising explain the use of such categories and that this Committee liaise with the Public Relations Committee to further this suggestion.

3. Your Committee further recommends that the Rules of Professional Conduct be amended as necessary to permit publication by members of professional cards of an appropriate size which would be permitted to include the information referred to in the Report of the Special Committee on Competence in the Practice of Law, as well as show the languages in which a member is capable of conducting legal

practice and office hours and also to permit such information to be included in directories and in the yellow and white pages of telephone directories in standard type, and to permit such information to be shown on the member's card and letterhead.

4. Your Committee recommends that the yellow pages of telephone directories include listings under the preferred areas of practice designated under the programme outlined in the Report of the Special Committee on Competence in the Practice of Law and that members generally be permitted to list their names under up to three such headings unless they are listed in the category of general practice.

5. With respect to legal firms, your Committee recommends that they be permitted like individual members either to be listed under up to three headings or at their option to appear under none of the individual headings but be permitted to list the firm name only in the general practice section and to permit the lawyers in the firm to list their names under up to three preferred categories of practice showing the name of the lawyer with the firm name in brackets.

6. With respect to fees, your Committee considers it desirable to include in the institutional advertising already recommended in this report, that clients should discuss legal fees at the first interview with a lawyer and the information that many lawyers charge only a nominal fee for the initial half-hour interview. Also that fees may be taxed, etc.

7. Your Committee was asked to consider what advertising material credit card companies should be permitted to display in connection with law offices which accept credit cards for the purpose of paying their legal fees. Your Committee is obtaining information respecting the terms on which major credit cards can be used and especially what requirements are normally imposed with respect to the display of the credit card company's logo or other indentifying device and is not prepared to make any recommendations on this subject at this time.

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 1:15 P.M.

. . . .

Read in Convocation and confirmed 20th October, 1978.

G. D. FINLAYSON
Treasurer

THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 8

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 20th October, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Bynoe, Carrier, Carthy, Cass, Chadwick, Cooper, Farquharson, Fennell, Furlong, Goodman, R. J. S. Gray, Ground, Guthrie, Humphrey, Mrs. Legge, Messrs. Levinter, Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Outerbridge, Pallett, Pepper, N. MacL. Rogers, Ruby, Seagram, Sheard, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace, White, Willoughby and Zahoruk.

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MINUTES

The Minutes of Special Convocation of 14th September, of Convocation of 15th September and of Special Convocation of 29th September, 1978, were read and confirmed.

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APPOINTMENT OF SPECIAL COMMITTEE

The Treasurer announced that he had named the *Special Committee on the Office of Treasurer* which will investigate and report on all aspects of that office no later than October 1979. The Committee consists of the following: Mr. J. J. Robinette, Chairman, and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Fennell, W. G. Gray, Ogilvie, Orkin and Thom.

. . . .

ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 12th

October, 1978.

The following members were present: Mr. Ground (Chairman), Mrs. Legge (Vice-Chairman), Messrs. Brulé, Cass, R. J. Gray, Pallett, Mrs. Sutherland, and Mr. White.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate, having successfully completed the Nineteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for call to the Bar and to be granted a Certificate of Fitness:

Brenda Elizabeth Gilhooly

Special

The following candidates, having filed the necessary papers, complied with the requirements of the Admissions Committee in their particular cases and paid the required fee of $200, are entitled to be called to the Bar and to be granted Certificates of Fitness:

Frederick George Bobiasz	University of Ottawa
Paul Joe Brenner	University of Windsor
Robert William Kerr	University of Windsor
James Alexander MacKenzie	University of Ottawa
Ian Alexander McDougall	Osgoode Hall Law School of York University
John Robert Stobo Prichard	University of Toronto
Judith Wayne Lee Swan	University of Ottawa
Laurence Charles Wilson	University of Windsor
John Alan Zinn	University of Western Ontario

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

Two further candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1977.

A further 421 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1978.

Approved

DIRECT TRANSFER

The Committee considered two applications for direct transfer to practice in Ontario, one from a New Brunswick solicitor and one from a Saskatchewan solicitor. Both sought permission to proceed under Regulation 4 (1). The Committee approved both applications.

FULL–TIME MEMBERS OF THE FACULTIES OF APPROVED LAW SCHOOLS

The following members of approved law faculties asked to be called to the Bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. Letters confirming the eligibility of the applicants have been received from the Deans of the relevant law schools for the following applicants:

Ralph Lloyd Simmonds Faculty of Law, University of Windsor	LL.B. University of Western Australia, Perth, 1972
Douglas Paul MacIver Emond Osgoode Hall Law School of York University	B.A. Hons. University of Toronto 1968 LL.B. Osgoode Hall Law School of York University 1972 LL.M. Harvard Law School 1973

Approved

READMISSION

Allan Henry Fitch (LL.B. University of Manitoba 1950) was called to the Bar of the Province of Manitoba in August 1950. He was given permission to transfer to practise in Ontario under Regulation 2 in March 1967 and was called to the Bar in

Ontario on 22nd September 1967. On 1st January 1974 he was appointed Chairman of the Manitoba Police Commission and for that reason requested permission to resign his membership in The Law Society of Upper Canada, which was given on 17th January 1975. Since that time he has practised continuously in the Province of Manitoba and also carried out his duties as Chairman of the Manitoba Police Commission until May 1977, and as a Provincial Judge (Family Division) in Winnipeg from June 1977 to the present time.

Mr. Fitch sought readmission to membership in The Law Society of Upper Canada. He presented a Certificate of Good Standing from the Law Society of Manitoba, letters supporting his application, and a petition, all of which were before the Committee.

The Committee recommended that he be readmitted upon payment of the appropriate fees including back fees.

REPORT OF THE SUB–COMMITTEE TO CONSIDER REGULATION 9

Letters from Deans Beck, Adell and Johnston concerning the report that was adopted by Convocation on 16th June 1978 were before the Committee at its meeting on the 7th September 1978.

It was recommended that this item stand to the October meeting. The report and the above-mentioned letters were before the Committee.

The Committee recommended that the final sentence of the Sub-Committee's report be deleted and that the report as amended be adopted. The effect of this would be to continue the practice of requiring the Dean to state the length of time the applicant has been a full-time member of his faculty and the applicant to state a present intention to continue to be a full-time member of the faculty of an approved law school in Ontario. *(See pp. 266-8.)*

SURVEY OF THE MEMBERS IN THE PROFESSION

In July 1978 a questionnaire was sent to members who graduated in 1977 and 1978 to ascertain whether they had obtained work within the profession.

The following report from the Finance Administrator giving the results of the survey was before the Committee:

Questionnaire Results

Questionnaire sent to 1,853 members called in 1977 and 1978

Replies received from 1,456

			1977	*1978*	*Total*
I	At the time you entered the Bar Admission Course, which of the following was your intention on being called (check one):				
	A	To practise with an established firm	479	517	996
	B	To open your own office either by yourself or with others	89	115	204
	C	To practise in the law department of a Government, Corporation, Trust Company etc.	59	53	112
	D	To be engaged in business	1	7	8
	E	Other	24	27	51
	F	No specific intention	23	37	60
		Did not answer this question	13	12	25
			688	768	1,456
II	Was your intention expressed in I achieved on Call to the Bar or within a reasonable time thereafter:				
		Yes	517	514	1,031
		No	140	216	356
		Not Applicable	28	36	64
		Did not answer	3	2	5
			688	768	1,456
III	If your answer to II is NO, are you now engaged in any of the following (check one):				
	A	Joined an established firm	43	41	84
	B	Opened own office (alone or with others)	78	75	153

		1977	1978	Total
C	Joined Government, Corporation etc.	26	38	64
D	Engaged in business	4	3	7
E	Other	22	71	93
	Did not answer this question	515	540	1,055
		688	768	1,456
IV	Was it your intention to be located in Metropolitan Toronto or outside:			
	In Toronto	343	350	693
	Outside	286	334	620
	Either	55	75	130
	Did not answer	4	9	13
		688	768	1,456
V	Was your intention expressed in IV achieved on Call to the Bar or within a reasonable time thereafter:			
	Yes	595	610	1,205
	No	59	105	164
	Not Applicable	28	48	76
	Did not answer	6	5	11
		688	768	1,456
VI	Whatever the above answers, have you been able to obtain satisfactory work or employment in the practice of law:			
	Yes	597	604	1,201
	No	82	137	219
	Did not answer	9	27	36
		688	768	1,456

THE REPORT WAS ADOPTED

. . . .

Mr. Ground presented the Report of the Admissions Committee of its meeting on Friday, 20th October, 1978.

The following members were present: Mr. Ground

(Chairman), Messrs. Cass and Pepper.

OCCASIONAL APPEARANCE

Martin Garry Tadman of the Province of Manitoba, applied to proceed under Section 10 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces", in the case of *Regina vs. Edelenbous, Allison, Driedger.* Mr. Tadman complied with the requirements of Section 10 of the Regulation and presented a Certificate of Good Standing. He asked to receive his call to the Bar of Ontario at the October Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for Occasional Appearance

At its meeting on 20th October, 1978, the Admissions Committee recommended that the following be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of lawyers from other Provinces" and that upon giving the necessary undertaking he be called to the Bar and admitted as a Solicitor:

Martin Garry Tadman	Province of Manitoba

Approved

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Brenda Elizabeth Gilhooly
Frederick George Bobiasz
Paul Joe Brenner
Robert William Kerr

James Alexander MacKenzie
Ian Alexander McDougall
John Robert Stobo Prichard
Judith Wayne Lee Swan
Laurence Charles Wilson
John Alan Zinn
Martin Garry Tadman

. . . .

MOTION: OCCASIONAL APPEARANCES

It was moved, seconded and *carried* that the Society's representatives to the Federation of Law Societies of Canada request the consideration of that body to the production of guidelines for the granting of leave to appear to members of other jurisdictions.

. . . .

DISCIPLINE COMMITTEE–Mr. Lochead

Re: EDGAR FRANK STANLEY SANDERS, Q.C.,
St. Thomas

Mr. G. H. Lochead, Chairman, placed the matter before Convocation.

The reporter was sworn.

This matter was before Special Convocation on Thursday, 14th September, 1978, but the solicitor did not attend nor was he represented by counsel. Mr. John A. B. Macdonald appeared for the Society and informed Convocation that the solicitor was out of the country and had requested an adjournment on consent to the Regular October Convocation.

Convocation granted the adjournment and counsel was so advised.

Messrs. Fennell, Furlong and Pepper withdrew from Convocation, took no part in the discussion and did not vote.

The solicitor attended with his counsel, Mr. Claude R. Thomson, Q.C. The Society was represented by Mr. Ernest A.

DuVernet, Q.C.

Counsel waived the reading of the Decision of the Discipline Committee dated 31st August,1978, wherein the solicitor was found guilty of professional misconduct. He had bought shares of a limited company from the beneficiaries of an estate to which he owed a fiduciary duty.

Counsel for the solicitor made submissions respecting the Decision.

Counsel for the Society made submissions respecting the Decision.

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:50 P.M.

....

The Treasurer and Benchers had as their guests for luncheon Mr. Nathan Strauss, Q.C., Mr. William Terry, Q.C., and Mr. Arthur Heeney, the Society's architect. The Treasurer presented Certificates of Life Membership to Messrs. Strauss and Terry who have been practising members of the Society for fifty years, having been called to the Bar on 18th October, 1928. The Treasurer expressed to Mr. Heeney the appreciation of the Benchers for his work with respect to the renovations and alterations to the Society's premises.

....

CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer and Messrs. Bynoe, Carthy, Cass, Chadwick, Cooper, Fennell, Furlong, Guthrie, Humphrey, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Outerbridge, Pallett, Pepper, Ruby, Seagram, Mesdames Sutherland and Tait, Messrs. Thom, Wallace and Willoughby.

. . . .

DISCIPLINE COMMITTEE (Continued)

Re: EDGAR FRANK STANLEY SANDERS, Q.C.,
St. Thomas

Convocation resumed its consideration of this matter.

Counsel for the solicitor made submissions in reply to those made by counsel for the Society respecting the Decision.

Counsel for the Society made no further submissions.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee dated 31st August, 1978, wherein the solicitor was found guilty of professional misconduct and conduct unbecoming a barrister and solicitor be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision of the Discipline Committee had been accepted by Convocation.

The Treasurer read the Recommendation as to Penalty of the Discipline Committee, namely, that the solicitor be disbarred.

Counsel for the Society made submissions as to penalty and advised Convocation of the previous occasion when the solicitor was found guilty of professional misconduct in October 1964. On that occasion the solicitor was reprimanded in Convocation.

Counsel for the solicitor made submissions respecting penalty. His submissions were interrupted and the solicitor, counsel and the reporter withdrew.

It was moved, but not seconded, that counsel be informed that Convocation will disregard the prior record and the fact that the solicitor was formerly a Bencher.

There being no seconder, the motion was *not put.*

The solicitor, counsel and the reporter returned.

Counsel for the solicitor continued his submissions respecting penalty.

The solicitor read a statement to Convocation.

Counsel for the solicitor concluded his submissions respecting penalty. He stated that the solicitor will treat the proceeds of the transaction as though he were the agent and trustee of the French interests in the matter.

Counsel for the Society made further submissions as to penalty.

Counsel for the solicitor made further submissions respecting penalty.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Law Society be cancelled.

It was moved and seconded that the solicitor's rights and privileges as a member of the Society be suspended for a period of six months from 20th October, 1978, upon the solicitor undertaking to transfer the shares he and his wife control in the limited company to the solicitor for the French interests, to be held in trust for those beneficially entitled thereto and to pay the costs of the Society's proceedings not to exceed the amount of $15,000.

The motion to suspend was *carried.*

The motion for disbarment was *not put.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the action taken by Convocation. The solicitor was asked if he was prepared to give the undertaking referred to above. Upon his giving that undertaking through his counsel, the solicitor, counsel and the reporter retired.

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. B. Chadwick, Vice-Chairman, presented the Report of the Legal Aid Committee of its meeting on Friday, 13th October, 1978.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Chadwick, Ferrier, Mrs. Fleming, Mr. Harris, Mrs. Jarmain, Messrs. Michon, Nixon, Orkin, Ruby, Russell, Shaffer, Mrs. Smyth, Mrs. Tait, Mr. Wallace.

Sidney Linden, solicitor, Toronto, was also in attendance as an observer for the Criminal Lawyers Association.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the five month period ended August 31, 1978, shows that payments from the Legal Aid Fund exceeded budget by $444,000. Funds designated for Community Clinics were underspent by $48,000. Thus, payments for the Legal Aid operation itself exceeded budget by $492,000 as follows:

Over budget	$	$
Criminal certificate accounts	369,000	
Civil certificate accounts	243,000	
Duty Counsel payments	2,000	
Student Legal Aid Societies	28,000	642,000
Under budget		
Legal Advice certificate accounts	28,000	
Salaried Duty Counsel project	3,000	
Area Office costs	33,000	
Provincial Office costs	86,000	150,000
		492,000

Income from sources other than the Province of Ontario was over budget by $350,000 as follows:

Law Foundation	112,000
Client Contributions	101,000
Costs recovered	104,000
Miscellaneous income	33,000
	350,000

Therefore, in net cost terms, the fee-for-service component of the Plan is over budget by $142,000 (expenditure –$492,000 and income +$350,000).

As at August 31, 1978, there was a negative balance in the Fund of $790,000. This reflects a cash flow problem which should be corrected by the end of October.

Accounts receivable past due more than 90 days

	At Aug. 31, 1978	*Last month*	*Last year*
Value	$1,656,800	$1,628,500	$1,470,700
% of total receivables	60.6	58.6	59.4

Statistics

The following table compares reported activity for the first five months of this fiscal year with the activity for the same period in the previous fiscal year:

	5 months ended		*% Change from*	
	Aug. 31, 1978	*Aug. 31, 1977*	*last year*	
Informal applications	48,482	39,088	+	24.0
Applications for certificates	46,959	43,756	+	7.3
Refusals	15,012	14,490	+	3.6
As a percentage of applications	32.0	33.1		
Certificates issued	34,249	32,228	+	6.3
Persons assisted by Duty Counsel:				
Fee for service	59,366	55,742		
Salaried Duty Counsel	13,984	9,722		
Total	73,350	65,464	+	12.0

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	5 months ended Aug. 31, 1978		*5 months ended Aug. 31, 1977*	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	95,411	100.0	82,844	100.0
Advice and referral (Informal applications)	48,482	50.8	39,088	47.2
Certificates issued	34,249	35.9	32,228	38.9
Unassisted persons	12,710	13.3	11,528	13.9
	95,441	100.0	82,844	100.0

Write-offs

George E. Wallace, Vice-Chairman, approved the write-offs of the following total of amounts due to the Legal Aid Fund: $16,359.28.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	Sept. 1978	*6 Months to Sept. 30/78*	*6 Months to Sept. 30/77*
Reviews on hand	302		
Reviews received in	66	625	696
	368		
Settlements reviewed in	45	537	619
Settlements awaiting further information at end of	4		
Settlements awaiting review at end of	319		
	368		

Appeals

	July	*August*	*September*
Appeals to Taxing Master received during	1	1	–

	July	August	September
Appeals heard by Taxing Master	–	–	–
Appeals pending at the end of the month	4	5	5
Appeals abandoned	–	–	–

Activity

	1978/79 Fiscal Year		1977/78 Fiscal Year	
	Month of Sept. 1978	*6 Months to Sept. 1978*	*Month of Sept. 1977*	*6 Months to Sept. 1977*
Accounts on hand at beginning	5211	6016	5998	4657
Accounts received	4342	31382	4769	30108
Total Accounts to be processed	9553	37398	10767	34765
Less: Files Cancelled	30	207	49	258
Accounts Processed	5094	32762	5192	28981
Balance	4429	4429	5526	5526

In addition to the number of accounts for services completed there were:

Interim Accounts	238
Supplementary Accounts	171

SUB–COMMITTEE TO STUDY THE DELIVERY OF LEGAL AID SERVICES

In May 1978, Attorney General R. Roy McMurtry, Q.C., addressed the Legislature concerning a study by his Ministry of the merits of adding a public defender element to the existing Legal Aid Plan to improve the services to residents of Metropolitan Toronto.

Mr. McMurtry noted that a study group was working in co-operation with members of The Law Society of Upper Canada's Legal Aid Committee, the Advocates Society and others. The Legal Aid Committee appointed a sub-committee in March 1978, under the chairmanship of Sidney B. Linden, solicitor, to ascertain whether improvements could be made to the present delivery of legal aid services in Ontario.

The Chairman of the sub-committee and a representative of the Ministry of the Attorney General worked in co-operation with one another and material was gathered to enable the sub-committee to make recommendations to the Legal Aid Committee.

The Legal Aid Committee reviewed in depth the report and recommendations of the said sub-committee. The following is a brief summary of the sub-committee's recommendations which are to be studied further with respect to the feasibility of implementing the proposals having regard to such items as cost, staff implications, etc.

Recommendation I

That a criminal law research bank be established in Toronto to collect, collate and distribute research performed by solicitors acting under a legal aid certificate. Lawyers on legal aid certificates would not be paid for research which duplicated material in the research bank.

Recommendation II

That a full-time investigative staff be made available to solicitors acting on legal aid certificates.

Recommendation III

That a full-time social work staff be made available to solicitors acting on legal aid certificates to aid pre- and post-trial interviews and information-gathering relating to bail, sentencing and diversion options.

Recommendation IV

That successful completion of an intensive entry level training programme be a prerequisite to admission to the legal aid panel for newly graduating lawyers and that a full-time Director of Training be appointed.

Recommendation V

That the criminal legal aid panel be divided into three ability-based tiers based on a classification system to be determined and that legally aided clients retain the right to choose any lawyer on the list regardless of his or her classification.

Recommendation VI

That steps be taken to encourage senior members of the bar to increase their participation in the Plan through training in court and acting as senior supervisory counsel.

Recommendation VII

That an Institute of Criminal Justice be established in Toronto to co-ordinate the research, training and classification activities and to house investigative, social work and referral services referred to above.

Recommendation VIIIA

That the Salaried Duty Counsel project at the Old City Hall, Toronto, be extended to include the three suburban criminal courts.

Recommendation VIIIB

That the function of Duty Counsel be extended to include increased representation of accused at adjournments, bail hearings and preliminary hearings, subject to the direction of a private practitioner acting under a legal aid certificate, and that Duty Counsel be allowed to represent legal aid clients charged with minor offences which can be speedily disposed of, but only after the accused has been advised of his or her right to obtain counsel and has specifically asked Duty Counsel to act.

The following recommendation, which was not a sub-committee recommendation, but which was proposed by the representative of the Attorney General, was rejected not only by the Sub-Committee to Study the Delivery of Legal Aid Services, but also by the Legal Aid Committee:

Recommendation IX

That a small salaried defender component be added to the Plan in Toronto on a five year experimental basis.

A PROPOSAL FOR THE INSTALLATION OF AN INFORMATION RETRIEVAL SYSTEM IN THE CLERICAL SECTION OF THE LEGAL ACCOUNTS DEPARTMENT

After an indepth review the Committee approved a proposal for the installation of an information retrieval system in the clerical section of the Legal Accounts Department. The proposed processing will save the Legal Accounts Department money and expedite the processing of a legal aid account.

A report prepared by D. J. McCourt, Deputy Director, dated August 11th, 1978, describing the retrieval system was before Convocation.

FEDERAL PROVINCIAL AGREEMENT

The Federal Government contributes to the cost of the Plan in the area of criminal law. For the 1977-78 fiscal year the contribution amounted to $6,866,000. These monies are paid to the Provincial Government and accumulated in its general revenue fund.

A copy of the new Federal Provincial Agreement recently agreed to by the Federal and Provincial Governments was before Convocation.

CLINICAL FUNDING COMMITTEE

On October 12th, 1978, the Clinical Funding Committee met to recommend to the Director, and subject to the approval of Convocation, funding for various projects.

The Director recommended to Convocation that the report of the Clincial Funding Committee dated October 12th, 1978, be adopted.

The following is a summary to the applications considered by the Clinical Funding Committee subsequent to the report to Convocation dated June 5, 1978, and the amounts of supplementary funding recommended for the fiscal year 1978/79:

	Applicant	*Amount***
1.	Canadian National Institute for the Blind	$ 1,093
2.	Metro Tenants Legal Services (Disbursements)	500
3.	Mississauga Tenant Action Centre (close-out costs)	850

	Applicant	*Amount***
4.	Mississauga Community Legal Services (new application)	55,045
5.	Toronto Community Legal Assistance Services – Law Line (Student Supplement)	1,720
6.	Queen's Rural Legal Services (renewal of funding)	8,846
7.	Oshawa Tenant Action Clinic	991
8.	Clinic Staff Salary Adjustments*	79,652
9.	Sudbury Community Legal Clinic	38,508

*In May, 1978, following representations by Mr. Archie Campbell, Director of Parkdale Community Legal Services, the following resolution was passed by the Legal Aid Committee: "That this Committee recommend to Convocation that it bring to the Attorney General's attention The Law Society's conviction that there should not be substantial differences between compensation available to legal clinic employees and that available to government and private sector employees engaged in comparable work and that funding available to clinics should reflect that necessity." This resolution was adopted by Convocation.

The Committee advised that the Attorney General of Ontario was responsive to this recommendation. The Committee, therefore, recommended that Convocation approve a sum of $79,652, these monies to be distributed to clinics presently being funded by The Ontario Legal Aid Plan.

**All of the above recommended funding levels are subject to the Attorney General's approval of designated funding in the appropriate amounts for clinics for 1978/79.

AREA COMMITTEES

APPOINTMENTS

Section 4 (1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed as members of the Area Committees in:

York County

Gary L. Segal, solicitor, Toronto.
Mendal M. Green, Q.C., Toronto.
David M. Greenbaum, Q.C., Toronto.

Stormont, Dundas and Glengarry Counties

Mr. Kenneth Sliter, Executive Director of Big Brothers, Cornwall.
Mr. Arnold Wyma, businessman, Long Sault.

Leeds and Grenville Counties

Lt. Tom Oldfield, Salvation Army, Brockville.

RESIGNATIONS

York County

R. Alfred Best, Q.C., Toronto.
Clayton M. Powell, Q.C., Toronto.
Mr. Keith Couse, John Howard Society, Toronto.

Leeds and Grenville Counties

Lt. John Moore, Salvation Army, Brockville.

Essex County

Dalton Charters, Q.C., Windsor.

THE REPORT WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE–Mr. Furlong

Mr. M. M. Orkin, Vice-Chairman, presented the Report of the Legislation and Rules Committee of its meeting on Thursday, 5th October, 1978.

The following members were present: Messrs. Orkin (Acting Chairman), Wilson and Mrs. Legge, Mr. Thom attended at the Committee's request.

ELECTION OF BENCHERS

The Report of the Special Committee on Convocation and Election of Benchers dated 8th June 1977 contained a recommendation that Convocation direct the Secretariat to outline new procedures with respect to election of benchers. The report was adopted by Convocation on the 17th of June 1977.

Printed forms and amendments to the relevant rules were before Convocation on the 15th of September 1978. A motion was made and carried that the draft changes be referred to this Committee.

Upon consideration of the matter, the Committee recommended that the present rules 7 to 14 inclusive be repealed and the following substituted therefor:

ELECTION OF BENCHERS

QUADRENNIAL ELECTIONS

7.–(1) An election of benchers shall be held in the year 1971 and in every fourth year thereafter.

(2) Where the time limited for the doing of anything in an election of benchers expires or falls on a Saturday or a holiday, the time so limited extends to and the thing may be done on the day next following that is not a Saturday or a holiday.

ELECTION OFFICERS

8.–(1) Every election of benchers shall be presided over by the Treasurer and conducted by the Secretary.

(2) Convocation shall, in the month of January of the year of an election, appoint, with their assent, as many members of the Society who are not candidates for election as benchers as are considered appropriate to act as scrutineers at the election and shall designate any three of them to act on any reference under subrule 4 of rule 9.

(3) The Treasurer shall appoint one or more persons who are members of the Society and not candidates for election as benchers to assist him or to act for him in his absence.

(4) The Treasurer may fill any vacancy in the office of scrutineer or election assistant to the Treasurer from members of the Society who are not candidates for election as benchers and may appoint temporarily any person similarly qualified to act as substitute for a scrutineer or election assistant to the Treasurer during the absence of a scrutineer or election assistant, as the case may be.

VOTERS LISTS

9.–(1) The Secretary shall, as of the last day of February of the year of an election, make out and sign an alphabetical list of the members of the Society in good standing on that date, not being in arrear for any fee or levy due on or before that date and, subject to subrules 3, 4 and 5, that list shall be the list of members entitled to vote at the election.

(2) The Secretary shall, as of the last day of February of the year of an election, make out and sign an alphabetical list of student members who may be called to the bar and thus become members entitled to vote at the election.

(3) During the period commencing the 1st day of March and ending the 15th day of March of the year of an election the lists mentioned in subrules 1 and 2 may be examined by any member or student member of the Society during normal business hours at the office of the Secretary and if within that period a member or student member of the Society complains in writing to the Secretary of the improper omission or insertion of any name in the lists, the Secretary shall forthwith examine into the complaint and rectify any error he may find.

(4) If any member or student member of the Society is dissatisfied with the decision of the Secretary, he may in writing require the Secretary to refer his decision to the three scrutineers who have been designated for the purpose by Convocation and who shall forthwith review the matter and give their decision to the Secretary before the 24th day of March of the year of the election.

(5) The decision of a majority of the reviewing scrutineers is final, and the lists shall remain or be altered by the Secretary in accordance with their decision.

(6) The lists as they stand on the 24th day of March of the year of the election shall be signed by the Secretary and at least three of the scrutineers, and constitute the lists of those entitled to vote at the election, except that the scrutineers later shall delete from the voters lists the name of any student member not called to the bar on or before the 23rd day of April of the year of an election and thus not entitled to vote in the election, and the name of any member or student member who shall die or become disentitled on or before the date on which ballots are mailed by the Secretary.

NOMINATIONS

10.—(1) No person shall be elected a bencher unless he has been nominated as provided in this rule, and every vote cast for any person not so nominated is void.

(2) The nomination paper:

(a) shall be in writing;

(b) shall be signed by at least ten members entitled to vote at the election and, if not so signed, is void;

(c) shall be signed by the nominee indicating his assent to be a candidate and, if not so signed, is void;

(d) may include a head and shoulders, black and white passport-sized photograph of the nominee printed on glossy paper, or a negative thereof, which may be reproduced in a booklet with biographical information to assist members in voting at the election;

(e) may include up to 100 words of biographical information provided by the nominee, to be confined to professional and community service matters, and should editing of the biographical information be required, the Treasurer will appoint ex officio benchers to an editing committee whose decision shall be final, but in the event that biographical information is not provided by a nominee, it will be provided by the Secretary from the Society's records.

(3) Every nomination paper shall be delivered at the office of the Secretary or sent by mail to him so as to be received thereat before 5:00 p.m. on the 15th day of March of the year of the election and, if not so received, is void.

(4) As soon as practicable after the receipt of a nomination paper, the Secretary shall notify the nominee in writing that the nomination paper is in order, or if it is not, wherein it is deficient, and enclose a copy of the form in which the nominee's name is to appear on the ballot, indicating on which part of the ballot it is to appear, but failure to notify a nominee or non-receipt of such notification by the nominee does not invalidate the election.

ACCLAMATION

11. Where the number of persons who remain as candidates is not greater than the number to be elected in accordance with section 15 of The Law Society Act, they shall be certified by the Secretary to have been elected as benchers.

POLL

12.—(1) When a poll is necessary, the Secretary shall send to each member and student member of the Society whose name is on the voters lists at his address as shown on the books of the Society, a ballot in two parts in the form approved by Convocation, a memorandum of voting instructions, one or more return envelopes, and a booklet containing the names of candidates, their photographs if provided, and limited biographical information if provided by the candidates or prepared from the Society's records if not provided by the candidates.

(2) The form and content of the ballot, the accompanying envelope or envelopes and the voting instructions shall be such as Convocation considers will best ensure and preserve the anonymity of the voters and the secrecy of their votes.

(3) Every person entitled to vote at an election of benchers may vote for any number of candidates but not for more than forty in all, twenty from within Metropolitan Toronto and twenty from outside Metropolitan Toronto as provided in section 15 of The Law Society Act.

(4) Every voter shall enclose his ballot in the envelope or envelopes provided in accordance with the voting instructions and deliver or send it by mail to the office of the Secretary so as to be received thereat before 5:00 p.m. on the 23rd day of April in the year of the election.

COUNTING THE VOTES

13.—(1) Beginning on the day following the last day for receiving ballots and proceeding daily thereafter, the ballots shall be opened under the supervision of the Treasurer and the Secretary or their representatives in the presence of at least two scrutineers who shall count the votes.

(2) In counting the votes the scrutineers may utilize any mechanical, electronic or other device that is approved by Convocation for the purpose.

(3) Any person entitled to vote at the election is entitled to be present at the counting of the votes, including the tie-breaking procedures mentioned in subrule 6.

(4) A vote cast for any person whose name is not on the list of candidates or who is ineligible to be a bencher or who is a bencher ex officio or a life bencher is void, and the election shall be reported as if such vote had not been cast.

(5) In the event of a voter voting for more candidates than are entitled to be elected, the part of the ballot so affected is void.

(6) If two or more candidates receive the same number of votes which leaves the election of one or more benchers undecided, the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates who received the same number of votes written thereon, one for each candidate, and the Secretary or his representative shall draw by chance from the ballot box, in the presence of the Treasurer or his representative, one or more such papers, sufficient to make up the required number, and the candidates whose names are upon the papers so drawn shall be certified under rule 14 as having been elected as benchers.

CERTIFICATION OF RESULT

14.—(1) Subject to subrule 2, the twenty persons within Metropolitan Toronto and the twenty persons outside Metropolitan Toronto as mentioned in section 15 of The Law Society Act, who have the highest number of votes as reported by the scrutineers shall be certified forthwith by the Secretary as having been elected as benchers.

(2) If among the forty persons who have the highest number of votes there is any person who by virtue of such election becomes an ex officio bencher, the scrutineers shall so report and, subject to subrule 4 of rule 13, the twenty other persons within Metropolitan Toronto and the twenty other persons outside Metropolitan Toronto as mentioned in section 15 of The Law Society Act, who have the highest number of votes shall be certified forthwith by the Secretary as having been elected as benchers.

THE REPORT WAS ADOPTED

. . . .

FINANCE COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 12th October, 1978.

The following members were present: Messrs. Pepper (Chairman), Brulé (Vice-Chairman), Farquharson, Guthrie, Ground and Ogilvie.

ROLLS AND RECORDS

Appointment to the Bench

The following member has been honoured by his appointment to Judicial Office and his membership in the Society will be placed in abeyance upon his assuming office:

Donald Scarth Thorson, Q.C. Ottawa	Called – 21 June 1951 Appointed Judge, Supreme Court of Ontario, Court of Appeal – 5 July 1978

Deaths

The following members have died:

George Lloyd Sills Kingston	Called – 25 June 1959 Died – 26 August 1978
Arthur Sydney Pattillo, Q.C. Toronto	Called – 18 January 1945 Died – 8 September 1978
Gordon Alexander Grant Toronto	Called – 23 March 1973 Died – 15 September 1978
Maurice Hamilton Fyfe, Q.C. Ottawa	Called – 15 November 1934 Died – 23 September 1978
William John McBurney, Q.C. Niagara Falls (Life Member)	Called – 18 November 1926 Died – 22 September 1978
Kenneth Weir Huskisson Stubington Cobourg	Called – 15 March 1956 Died – 3 September 1978
Gordon Morel Pyne Toronto	Called – 20 September 1945 Died – 23 September 1978
Arthur Blain Joseph Quinlan, Q.C. Strathroy	Called – 16 January 1941 Died – 22 August 1978

Disbarments

The following former members have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Society:

Ernest Arthur Fox London	Called – 19 September 1958 Disbarred – Convocation 14 September 1978
Kenneth Goodman Willowdale	Called – 24 March 1972 Disbarred – Convocation 14 September 1978
Thomas Gifford Rankin London	Called – 23 March 1973 Disbarred – Convocation 14 September 1978

Noted

MEMBERSHIP UNDER RULE 50 – RETIRED MEMBERS

The following members who are sixty-five years of age and over and who are fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees. Their formal applications were before the Committee.

John Edwin Clement, Q.C.	Kitchener

Kenneth Burn, Q.C.	Uxbridge
Gordon Winfield Ford, Q.C.	Toronto
William Pattison Telford, Q.C.	Owen Sound
John Aubrey Tuck, Q.C.	Toronto
John Sheldon Yoerger, Q.C.	Toronto

Approved

The following members who are sixty-five years of age and over and who are fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees, but have not yet submitted their formal applications:

Colin Emerson Bennett, Q.C.	Toronto
Sherburne Tupper Bigelow, Q.C.	Toronto
Alexander MacKay Forbes, Q.C.	Orillia
William Thomas Harris	Janetville
Alexander Heber Nethery, Q.C.	Sarnia

Approved, subject to their filing satisfactory applications.

MEMBERSHIP UNDER RULE 50 – INCAPACITATED MEMBERS

The following members requested consideration of their applications as disabled members to continue their membership without payment of annual fee. Their formal applications have not yet been received.

James Forsythe Harvey	Hamilton
Hugh Gerald MacAdam	Sault Ste. Marie

Approved, subject to their filing satisfactory applications.

CHANGES OF NAME

The following members requested that their names be changed in the rolls of the Society and have submitted the required documentation in support:

From	*To*
Joshua Bach	Joshua *Menahem* Bach (Adding middle name)

Lizuarte Teixeira da Silveira Avila *Les* Avila (Court Order)

Approved

CAR ALLOWANCE

The allowance paid by the Ontario Legal Aid Plan to benchers and employees when they use their cars on Law Society business has been changed from 12.5 cents per kilometre to 14 cents per kilometre from 5 July 1978. It was recommended that a similar change be made throughout the Law Society. The new rate is equivalent to 22.4 cents per mile.

Approved

EMPLOYEE PENSION PLAN

(a) The triennial valuation of the Plan as at 31 December 1977 shows a surplus of $15,000. This valuation will be filed with the Pension Commission of Ontario and Revenue Canada.

Noted

(b) A recommendation has been received from Standard Life Assurance Company which would affect the pensions of 14 employees. These employees were enrolled under a predecessor plan prior to the existing plan coming into force on 1 March 1969. The present plan has a unit benefit formula, whereas the predecessor plan had a money purchase formula and a lower benefit level.

The suggestion is that the plan be funded in order to provide a unit benefit level for the years prior to 1969 at the same level as the current plan. The amount required for this funding is $129,569. An annual payment of $11,680 over fifteen years is required to meet this amount.

Approved, and that at the time of the next triennial evaluation consideration be given to paying the outstanding balance in full.

GROUP LIFE INSURANCE PLAN

(a) National Life Assurance Company of Canada reported a reduction in premium for the contract year beginning 1 July 1978. The new rate is 32 cents per $1,000, plus 6 cents per $1,000 for accidental death and dismemberment. This is a reduction from 40 cents plus 6 cents paid in 1977/78.

(b) An amendment to the policy has been necessitated in order to keep the plan in conformity with the current guidelines of the Superintendents of Insurance. This change affects the conversion privilege so as to make a conversion to term insurance to age 65 available as well as other forms of life insurance.

Noted

EMPLOYEE BENEFIT PLANS

The Committee was requested to approve the appointment of the firm of Tuckett-Little Insurance Limited as agents of record for employee benefit plans. This firm is already the Society's agent in respect of the insurance carried on the building and contents and other related coverage.

Approved

APPOINTMENT OF ASSISTANT SECRETARY

Mr. Peter Piroth has been hired to fill the newly created position of Assistant Secretary commencing 6 November 1978.

Approved

REFUND OF FEES

George C. Kouwenhoven withdrew from the articling term of the Bar Admission Course. The Committee was asked to approve the refund of his admission fees in the amount of $108.

Approved in the amount of $76.

AUDITOR'S ACCOUNT

Clarkson, Gordon & Company have rendered their account for the year 1977/78 in the amount of $11,400 made up as follows:

	1977/78	1976/77
General Fund	$ 5,500	$ 5,000
Bar Admission Course and Continuing Education	3,500	3,200
Errors and Omissions Insurance Fund	2,000	800
Discussions and meetings from time to time re accounting matters etc.	400	300
	$11,400	$ 9,300
Government Grant	–	1,100
	$11,400	$10,400

Approved

OFFICE EQUIPMENT

A Xerox Automatic Typewriter was rented on a two year rental contract from 1 May 1978 at a rental of $330 per month. The machine is located in Mr. Anderson's Department and is used for the production of letters to members regarding their annual filing. The machine having proved to be satisfactory, it was recommended that advantage be taken of a purchase option and that the machine be purchased outright for $11,208.

The supplier offered special arrangements regarding service and supplies. The value of these arrangements plus a saving in sales tax by acting before 7 October 1978 was equivalent to $1,394. Accordingly, the Chairman of Finance authorized the acquisition of this equipment and the Committee was asked to ratify his action.

Approved

INVESTMENT POLICY

The Committee, at its meeting on 12 October 1977 recommended that a Sub-Committee of the Finance Committee, composed of not less than five members, be authorized to be responsible for the investment of all funds under the control of the Society.

The Chairman of this Committee received a letter from the Chairman of the Discipline Committee, requesting that consideration be given to the way in which the assets of the Compensation Fund are invested.

The Committee recommended that in view of the quantum of funds for which the Society is responsible, a Special Committee of Convocation be struck to be responsible for the investment of all funds under the control of the Society and to report thereon to Convocation.

LIBRARIES AND REPORTING COMMITTEE

The report to Convocation of the Libraries and Reporting Committee which was approved on 15 September 1978 included an item of $800 for shelving in the Main Reading Room of the Great Library. Since the report stated *"Approved* subject to the approval of the Finance Committee" the Committee was asked for its approval.

Approved

ERRORS AND OMISSIONS INSURANCE LEVY

The following member paid 1978 Errors and Omissions Insurance Levy in the amount of $375 with a cheque which was returned by the bank marked "N.S.F.":

Ian S. McLennan

The member was advised on 14 September 1978 that the matter would be reported to this Committee, with the recommendation that his rights and privileges be suspended.

Approved

ANNUAL FEES

A letter received from Mr. *Charles Jordan,* a member called to the Bar in 1977, requested consideration regarding the amount of his fees. His letter was before the Committee.

The Committee recommended he be advised that no relief can be granted him.

THE REPORT WAS ADOPTED

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MOTION TO SUSPEND: ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

It was moved, seconded and *carried* that the rights and privileges of the following member who failed to pay the levy prescribed under Section 53 of The Law Society Act be suspended from 20th October, 1978, until his levy is paid or until an application for exemption from coverage is approved:

Ian Stuart McLennan	Carleton Place

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Pallett

Mr. J. C. Pallett, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 12th October, 1978.

The following members were present: Mr. J. C. Pallett, Chairman, Messrs. Brulé, R. J. S. Gray, Ground, Orkin, N. MacL. Rogers, W. P. Rogers, Salhany, Thom and Mrs. R. M. Tait.

FACULTY APPOINTMENTS –
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 5th, 1978:

(a) *Civil Procedure II Section:*

Stand-by Instructor (Ottawa): James Reid.

(b) *Family Law Section:*

To continue as Head of Section, James C. MacDonald, Q.C.

Group Instructors (Osgoode Hall): J. M. Banfill, G. W. Brigden, D. J. Brown, T. W. Caskie, M. T. Chilco, N. N. da Silva, Miss Rodica David, P. M. Epstein, F. G. Felkai, L. K. Ferrier, F. G. Gans, J. C. Goldberg, J. G. Goodwin, S. M. Grant, G. P. Johnstone, R. J. Klassen, M. C. Kronby, M. D. Lipton, D. H. Lissaman, T. J. Lockwood, C. S. Martin, P. F. Marchildon, Miss R. E. Mesbur, R. J.

Otter, R. D. Preston, Robert Schipper, G. K. Selzer, S. B. Smart, D. M. Starzynski, R. D. Timms, Mrs. Karen Weiler.

Group Instructors (Ottawa): Lloyd Brennan, Leonard Levencrown, M. F. Monaghan, Leonard Max, Ms. M. J. Binks Rice, W. L. Riley, J. D. Snipper.

Group Instructors (London): J. J. Comartin, J. F. Foreman, B. T. Granger, Alfred Mamo, J. S. Mitchell.

Stand-by Instructors (Osgoode Hall): T. G. Bastedo, A. B. Doran, Ms. L. S. Dranoff, Igor Ellyn, J. R. R. Jennings, Benjamin Laker, Gerald Sadvari, H. D. Stewart, Ms. Patricia Wallace.

Stand-by Instructors (Ottawa): H. G. Doyle, Patrick Lafrange.

Stand-by Instructors (London): R. A. Beccarea, R. W. Dickie, P. M. Ledroit.

(c) *Creditors' & Debtors' Rights Section:*

Group Instructors (Osgoode Hall): D. R. Arthurs, Richard Bailey, Frank Bennett, D. J. Brown, Rupert Chartrand, Stephen Clarke, Jordan Dimoff, Harry Fogul, G. S. Gringorten, John Herron, R. D. Howell, A. O. Jacques, Leo Klug, E. B. Leonard, M. D. Lipton, Ben Martin, W. A. McLauchlin, J. W. Morris, D. J. T. Mungovan, Stanley Naftolin, P. D. Quinn, N. S. Rankin, Martin Sclisizzi, Max Shafir, Joel Shaw, M. M. Steidman, Steven Stieber, Stephen Thom, John Varley, R. W. Walker.

Group Instructors (Ottawa): R. D. Allard, J. E. Hamilton, S. E. Hendin, A. W. Joyce, P. N. Leamen, S. M. Leikin, J. D. Peart.

Group Instructors (London): C. G. S. Dawson, R. B. Livingstone, C. H. Reeves, Martin Stambler, C. S. Stevenson.

Stand-by Instructors (Osgoode Hall): G. J. Cooper, F. G. Felkai, Gerald Gold, John McKeowan, R. B. Moldaver, W. R. Passi, W. G. J. Swybrous.

Stand-by Instructors (Ottawa): A. S. Goldberg.

Stand-by Instructors (London): K. N. Bilton, W. G. Chizmar.

(d) *Income Tax Section:*

To continue as Head of Section, A. R. A. Scace, Esq.

Group Instructors (Osgoode Hall): H. J. Alpert, G. R. Baker, W. G. Beach, W. J. Bies, F. E. Cappell, B. R. Carr, G. E. Cooper, G. J. Corn, J. R. Dingle, L. G. Dollinger, N. H. Harris, P. H. Harris, L. R. Hepburn, G. R. Hiseler, G. L. Jacobs, N. C. Loveland, Ian MacGregor, E. I. Miller, M. A. Mogan, B. H. Naiberg, J. M. Parks, M. J. Rochwerg, S. S. Ruby, L. H. Saltman, W. S. P. Seyffert, J. M.

Solursh, Solomon Spiro, T. A. Sweeney, R. B. Thomas, T. J. Weisz, J. R. Wilson, Alan Zener.

Group Instructors (Ottawa): Gordon Cleland, S. W. Goldstein, L. F. O. Raphael, G. J. Rip, Andrew Trotta, Charles Wiseman.

Group Instructors (London): Ross Batson, C.A., W. E. Beattie, P. W. Bowman, C.A., J. A. Giffen, M. J. Kierans.

Stand-by Instructors (Osgoode Hall): D. R. Allgood, Maxwell Gotlieb, Blake Murray, Paul Schnier.

Stand-by Instructors (Ottawa): P. C. Labarge.

Stand-by Instructors (London): D. L. McLennan, P. R. Noble.

Approved

BAR ADMISSION COURSE – LEASE OF LONDON PREMISES

The Society's lease of the premises at 1071 Waterloo Street, London terminates on June 30th, 1979. The Society received from Dr. John D. Morgan, Principal of King's College, a proposal for a renewal of the lease for a further term of three years from July 1, 1979 to June 30, 1982. Dr. Morgan's letter dated October 2nd, 1978 was before the Committee.

The Committee recommended that the Director negotiate the lease for one year, renewable for two years and further renewable for three years, to the proposed rentals with limits on the proposed uses of the buildings by the lessor.

BAR ADMISSION COURSE – ARTICLING

On Thursday, September 7th, 1978 the Committee approved the report of the special Sub-Committee of Messrs. N. MacL. Rogers and Roger Salhany on the articling relationship of principal/student. The Committee's report was adopted in Convocation on Friday, September 15th, 1978 (p. 362-4). The Committee asked the Director to prepare draft guidelines conforming to the Sub-Committee's report dealing with situations where principal and student are ending their articling relationship. The draft guidelines were before the Committee.

The Committee recommended that the following guidelines be approved to be used as the occasion arises this year and to be incorporated in the Students' Pocket Handbook next year:

Guidelines for Principal and Student Respecting Termination of Articles

Regulation 26 (4) (a) under the Law Society Act requires every student member of the Law Society to serve "under articles of clerkship for 12 consecutive months". In the usual case the student commences articles in May, June, July or August after completing law school and continues in service under articles for a full twelve month period. Time off for holidays is a matter of private arrangement between the principal and the student and the practice of the Law Society is to allow time off for holidays not exceeding one month during the twelve month articling term. At the end of the articling period the principal is required to complete a certificate of service under articles covering the full twelve month period and the student is required to swear an affidavit of service under articles covering the same twelve month period. In either case the certificate and affidavit must show any assignment of articles if such has been the case, and any assignment must be filed with the Law Society at the time such assignment takes place.

A serious problem arises if a student member of the Society serving under articles has his or her articles terminated by the principal or the student himself or herself terminates the articling relationship and is unable to find another articling position and have the articles assigned to a new principal without interruption in the required consecutive twelve month period. The moment the articles are so interrupted, the student is in breach of the regulation. Both principal and student have obligations and responsibilities under the articles of clerkship into which they have entered and the following guidelines are proposed for the guidance of principals and students when either principal or student wishes to terminate the articles.

1) In any case in which a problem arises between principal and student which may lead to the termination of the articles, the matter should be fully and candidly discussed between the principal and student with a view to resolving their differences and continuing the articling relationship in keeping with the terms of the articles of clerkship into which they have entered.

2) In any case in which the matter cannot be so resolved, the principal or the student or both, should advise the Law Society by letter addressed to the Director of Legal Education with a view to seeking the assistance of the Society to resolve the differences. The role of the Law Society in such a situation would be that of mediator and not an arbitrator.

3) In the event the matter is not so resolved and the principal wishes to dismiss the student or the student wishes to leave the principal, either should give the other one month's notice of termination of the articling relationship.

4) During the one month period both parties should continue the articling relationship in keeping with the articles of clerkship.

5) During the one month period the student should seek out and

find a new articling position and should consult the Bar Admission Course office respecting any articling placement notices there on file.

6) At the time the student leaves the principal's employment the principal should complete a certificate of service under articles covering the period of time during which the student served as an articling clerk and the principal and the student and the new principal should complete an assignment of articles and both documents should be filed immediately with the Law Society.

7) A student member of the Society must recognise that the onus is on him or her to find employment for service under articles and to maintain continuous service during the required consecutive twelve month period.

Copies of the forms of articles of clerkship, certificate of service under articles and affidavit of service under articles are attached.

SPECIAL PETITIONS

The Committee had before it for consideration ten special petitions. Six petitioners sought permission to defer entry into the teaching term of the Bar Admission Course. Three requested deferments of one year, two for health reasons with respect to pregnancies and one to give personal attention to business ventures outside the country. The Committee recommended that these three petitions be granted. One petitioner had accepted a position with the Department of External Affairs and hoped to be able to arrange a leave of absence to attend the teaching term at a later date. The Committee recommended that a deferment of one year be granted and the petitioner advised that permission for such deferment should not be expected to be granted annually. One petitioner who had previously been granted a deferment of one year to complete an LL.M. programme was completing the thesis for this programme and teaching Introduction to Law at an approved law school. The petitioner had accepted a three-year teaching appointment on the faculty of law of a university in New Zealand commencing in June 1979 and requested permission to defer entering the teaching term until September 1982. The Committee recommended that the peititoner be granted a deferment of one year and advised to re-apply for permission for further deferment in one year. One petitioner who had enrolled in the teaching term commencing 5th September 1978 wished to complete a thesis for a Doctorat d'Universite degree from a university in France and requested permission to withdraw from the Bar Admission Course and defer entering the teaching term until September 1982. The Committee recommended that further information be sought from this petitioner.

Two petitioners sought permission to extend the five-year limitation requirement under Regulation 26 (4a). One petitioner who had received an LL.B. degree in 1974, had since worked as a clerk in law offices and had arranged to commence service under articles commencing 1st September, 1978, wished to complete service under articles and enter the teaching term of the Bar Admission Course in September 1979. The Committee approved this petition. The second petitioner had received the LL.B. degree in 1976, had been engaged in graduate work at an American university, expected to complete post-graduate studies in 1980 and proposed to enter the Bar Admission Course thereafter. The Committee recommended that this petitioner be permitted a deferment until September 1980 on condition that the studies outlined are continued in the interim.

A petitioner who had commenced service under articles in May 1978, terminated his articles in August to take a Business Administration programme, then decided to withdraw from the programme and resume his articling qualification to practise law and to that end commenced articles of clerkship with another solicitor, requested that the two periods under articles, including full-time service with the second solicitor from 18th September, 1978 to 29th May, 1979 without time off for holiday, be accepted in full of the articling requirement notwithstanding the breach of approximately one month in the articling period. The Committee approved this petition.

A petitioner who had received an LL.B. degree in 1978, after failing the third year and being required to repeat it, and had made abortive attempts while not qualified to establish himself as a student member of the Law Society serving under articles with entitlement to enter the teaching term of the Bar Admission Course in September 1977, claimed in his petition to have spent substantial periods working in law offices and requested that he be admitted to the teaching term of the 1978-79 Bar Admission Course. The Committee recommended that the petition be denied and further recommended that service under articles by the petitioner from 1st November, 1978 to 31st August, 1979, without time off, and proof by the petitioner of the prior experience in law offices referred to in his petition be accepted in full of the articling period.

OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY

Dean Stanley M. Beck wrote the Treasurer by letter dated September 28th, 1978 suggesting better means of communication between the Law Society and Osgoode Hall Law School at York University. The Dean proposed that Benchers in small groups visit and inspect the law school in a series of informal visits commencing in October. The Treasurer replied by letter dated October 11th, 1978 advising Dean Beck that his proposal had been referred to the Legal Education Committee and through that Committee to Convocation. The letters of Dean Beck and of the Treasurer were before the Committee.

The Committee recommended that Dean Beck's proposal be accepted and approved subject to an understanding between the Society and the University that there be a mutual exchange of information between them.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education, and reviewed a summary of Continuing Education Programmes presented in September, 1978, and a publications report for the month of September, 1978.

THE REPORT WAS ADOPTED

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BUILDING COMMITTEE–The Treasurer

The Treasurer presented the Report of the Building Committee of its meeting on Thursday, 28th September, 1978.

The following members were present: Messrs. Finlayson

(Chairman), Ogilvie and Pepper, and Mrs. Legge.

BUILDING PROGRAMME – PROJECT NO. 75-01

1. The following material from Mr. Arthur Heeney was before the Committee for consideration:

(a) letter dated 11th September 1978 dealing with directional signs involving costs in the amount of $6,019, being $519 above the budget;

(b) letter dated 13th September 1978 with regard to the treatment around the east entrance to the Great Library involving costs of $8,500;

(c) letter dated 15th September 1978 with regard to servery equipment off Convocation Dining Room, and the purchase of two refrigerators and a screen at an overall cost of approximately $17,000;

(d) letter dated 27th September 1978 requesting authority for the following expenditures:

  (i) $1,400 to change the position of certain "EXIT" lights to more suitable locations;

  (ii) $1,200 to provide additional air into the basement storage room which has become a permanent office for staff.

Approved

2. In his letter dated 18th May 1978, Mr. Heeney provided a concise summary of the renovations to the building, as follows:

> " At the request of Mr. Thom, I have prepared the following brief report with respect to the alterations and additions to your buildings, which are now approximately ninety-seven percent (97%) completed.
>
> The major items of work outstanding are:
>
> **Interior**
>
> (a) New entrance opening into the Great Library. This is under further study due to problems with the positioning of the carving and overhead doors. I will be reporting on this shortly. In the meantime, we propose opening this doorway for use.
>
> (b) Screen and shelving in the Benchers' locker room.

(c) Screen in the Lady Barristers' locker room.

(d) A few lighting fixtures, wood base and trim to install.

(e) The air-conditioning, heating and other mechanical and fire alarm systems are now under final inspection with the Contractors and Consulting Engineers and should be completed this month, for acceptance by the owner.

(f) In addition to the above there is the usual "Deficiency List", prepared by us, indicating the many minor items of work requiring attention, before acceptance of the work from the Contractor. The Contractor is working on this now.

Outside

(g) Finished grading at the south side of the building is underway and will be sodded this month.

(h) There are some drains to install in the north Court, as well as the garage exhaust, underground, then paving of this area, below the ramp.

Special Features

The main entrance to the Law Society Buildings will now be on the east side of Osgoode Hall, originally designed as the entrance to the school. When you enter the new main lobby most of the services used by the Barristers are closely related to this area, such as the new locker and washrooms and elevator service from the inner lobby to the Club Rooms, Dining Room and Administrative Offices.

The north entrance to the school has been prepared so that the handicapped (wheel chairs, etc.) persons may enter the building and, with the elevator facilities now available, have direct access to the services mentioned above. In addition they may now proceed directly to the Courts on the first and second floors of the Centre Wing and to the Great Library.

In 1970-1972 the Department of Public Works completely air-conditioned the centre and west wings of Osgoode Hall. The Law Society also air-conditioned the school building and a few areas in the 1938 building. Under the present contract the balance of the buildings owned by you have been air-conditioned at an estimated cost of $500,000.00, as part of the overall expenditure, covering an area of over 75,000 square feet.

A basement and first floor was built in the Quad and the old kitchen wing in the North Court demolished and replaced with a basement and three storey addition adding a net floor area of approximately 10,200 square feet of floor space to your buildings. The Quad addition provided space for a main reception area for the Administrative Offices; a lounge and washroom for the Staff (ladies); a new Computer Room; a new File Room and Fan Room. The addition in the North Court provides a new Locker Room, Washrooms and small lounge area for Lady Benchers; Rare Books Room for the Library; Public Washrooms adjacent to the Great Library; a new Wine Cellar; a new Lounge for the Ex-Treasurers; Serveries and Maintenance service areas in the basement.

In addition to the above, by moving the "Honours Room", and the Barristers' locker and washrooms to the old class rooms, which have not been used for many years, it became possible to provide space in this area for the following:

Centralized Benchers' locker and washrooms;
Audit Offices for Mr. Anderson's staff;
Office for Lawyer Referral;
Corridor to the Centre Wing;
Lounge, lockers and washrooms for the Lady Barristers.

Using the old class rooms for the Barristers' locker and washrooms (men) and the "Honours Room" released approximately 3,700 square feet of floor space for the services mentioned above, including 400 square feet of space for new offices on the third floor, north-east corner of the 1938 building.

New services have also been provided in the basement for staff members operating the kitchen off Convocation Hall, the staff working in the General Offices, or on the maintenance staff, including added storage space for general use."

3. Costs of Project (including fence reconstruction)

The Finance Administrator reported as follows:

"The total amount charged to Major Capital Expenditure Account since the Fence and Building Renovation Projects began up to 31st August 1978 is $3,140,688.94 made up as follows:

A	*Building Renovation*		
	1. Dalton Engineering & Construction up to Change Order No.46, incl.		$2,147,553.69
	2. Architect's Fees		178,674.13
	3. Furniture and carpets		63,718.45
			$2,389,946.27
	4. Miscellaneous building costs	$17,752.48	
	5. Legal, survey and appraisal fees	11,628.85	
	6. Land acquisition	10,000.00	
	7. Consulting Decorator Fees	6,625.00	
	8. Office equipment	19,857.78	
	9. Donation received	(200.00)	65,664.11
			$2,455,610.38
B	*Fence Reconstruction*		685,078.56
			$3,140,688.94

Further costs are still being incurred in both projects.

The Building Committee has approved the following:

May 12, 1977	Contract costs	$1,955,019.00	
	Contingency	117,893.00	$2,072,912.00
Jan. 20, 1977	Architect's fees (based on original contract amount estimated at $1,935,261)		205,674.00
Jan. 20, 1977	Furniture and carpets		111,576.00
			$2,390,162.00"

THE REPORT WAS ADOPTED

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UNFINISHED BUSINESS

A number of items which appeared on the agenda were not reached and, because of the lateness of the hour, were adjourned to the November Convocation.

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CONVOCATION ROSE AT 5:45 P.M.

. . . .

Read in Convocation and confirmed 17th November, 1978.

G. D. FINLAYSON

Treasurer

THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 9

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 17th November, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Cass, Chappell, Cooper, Farquharson, Furlong, R. J. S. Gray, W. Gibson Gray, Ground, Guthrie, Henderson, Humphrey, Mrs. Legge, Messrs. Lochead, McWilliams, Ogilvie, Orkin, Pepper, Pomerant, N. MacL. Rogers, W. P. Rogers, Ruby, Salhany, Seagram, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, White, Willoughby and Zahoruk.

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MINUTES

The Minutes of Convocation of 20th October, 1978 were read and confirmed.

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APPOINTMENT OF SPECIAL COMMITTEES

(i) Special Committee on Confidentiality

The Treasurer announced that he had appointed the following to constitute the Special Committee on Confidentiality: Mr. W. Gibson Gray, Chairman, and Messrs. Goodman, Ogilvie, N. MacL. Rogers and White. The Committee will consider whether the members of the Bench are to be precluded from expressing private views in matters decided by the Society as a corporate body and report to Convocation.

(ii) Special Committee on Investments

The Treasurer informed Convocation that he had named the following to constitute the Special Committee on Investments: Mr. P. B. C. Pepper, Chairman, and Messrs. Brulé, Levinter, O'Brien and Sheard. The Committee will be responsible for all funds under the control of the Society and report thereon to Convocation.

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OCCASIONAL APPEARANCES

The Treasurer reported that the Federation of Law Societies of Canada has taken under advisement the question of guidelines for the granting of leave to make occasional appearances to members of other jurisdictions.

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ANNUAL MEETING

The Treasurer informed Convocation that the question of holding the Society's annual meeting in conjunction with the mid-winter meeting of the Ontario Section of the Canadian Bar Association had been raised with representatives of the Canadian Bar Association and it will be considered by the Council of the Ontario Section. The representatives are in agreement with this plan.

. . . .

FAILURE OF COUNSEL TO APPEAR IN COURT WHEN REQUIRED

The Treasurer referred to correspondence with the Chief Justice of Ontario and the Attorney General for Ontario in which they had raised with him the problem of counsel who fail to appear in Court when their cases are called. It was agreed that members should be warned that the deliberate failure of a counsel, who has undertaken to act for an accused, to appear when the case is called is a contempt of Court; and that the failure of counsel to appear, if it shows an indifference to his obligation to the Court and to the client, will also constitute contempt.

. . . .

DISCIPLINE COMMITTEE–Mr. Lochead

Re: GERARD JOSEPH CECIL VAN BERKEL, Ottawa

Mr. G. H. Lochead, Chairman, first brought this matter to Special Convocation on Thursday, 14th September, 1978, when counsel for the solicitor requested and Convocation granted an adjournment to the regular November Convocation.

On 14th September, 1978, the proceedings were as follows:

A quorum of Benchers was present and Mr. Lochead placed the matter before it. The reporter was sworn.

The solicitor attended with his counsel, Mr. Thomas J. Dunne. The Society was represented by Mr. John A. B. Macdonald.

An affidavit in proof of service was filed in accordance with the provisions of The Law Society Act.

The Treasurer ascertained that all Benchers present had read the Decision of the Discipline Committee dated 8th August, 1978.

Counsel for the solicitor waived the reading of the Decision and made no submissions respecting it.

The Decision found the solicitor guilty of professional misconduct by reason of his failure to reply to letters from the Society respecting his professional conduct, to honour an undertaking to Convocation that he would not practise alone without the Society's express permission and to honour his personal undertaking to a solicitor to discharge a first mortgage.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and carried that the Decision of the Discipline Committee be *accepted.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision of the Discipline Committee had been accepted by Convocation.

Convocation was advised that the Discipline Committee recommended that the solicitor be reprimanded in Convocation.

Convocation was advised that in 1965 the solicitor was disciplined for having allowed a shortage to develop in his trust account, which had been made good. He had agreed not to practise alone, which undertaking had been breached and had given rise to the proceedings before Convocation.

Counsel for the solicitor made submissions as to penalty and asked that the fact of the reprimand not be published or that the matter be referred back to the Discipline Committee for the solicitor to be reprimanded there.

Counsel for the Society made submissions with respect to penalty.

Counsel for the solicitor made no reply.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be reprimanded in Convocation.

It was moved and seconded that upon undertaking to Convocation not to provide legal services to any one but his present employer the solicitor be reprimanded in Convocation and required to pay the costs of the Society's investigation in an amount not to exceed $500.

It was moved and seconded that upon the solicitor undertaking to Convocation not to provide legal services to any one but his present employer, and upon the solicitor undertaking to pay the Errors and Omissions Insurance levies for the years in which the levies are applicable, and upon his undertaking to file revised Form 2's for the years in which he engaged in private practice from 1965 to the present, the solicitor be reprimanded in Convocation and required to pay the costs of the Society's investigation in an amount not to exceed $500.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions respecting penalty before Convocation and of the solicitor's right to request an adjournment because some of the motions involved penalties more severe than that recommended by the Discipline Committee.

The solicitor, counsel and the reporter retired.

Convocation adjourned for luncheon, following which Convocation resumed, a quorum being present.

The solicitor, counsel and the reporter returned.

Counsel for the solicitor requested that the matter be adjourned to the regular November Convocation.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the requested adjournment be granted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion for adjournment before Convocation. Counsel agreed that all Benchers who sat on the matter in the morning should be eligible to sit on the return of the matter in November.

The solicitor, counsel and the reporter retired.

The motion for adjournment was carried.

Counsel were advised that the adjournment had been granted.

A quorum of eligible Benchers being present at the regular November Convocation, consideration of the matter was resumed.

The reporter was sworn.

The solicitor attended with his counsel, Mr. Thomas J. Dunne. The Society was represented by Mr. E. A. Du Vernet Q.C.

The three motions respecting penalty which were before the Special Convocation were read.

Counsel for the solicitor made representations respecting penalty and read a letter from the solicitor's employer. He asked that the disposition of the matter not be published and suggested as a penalty the solicitor be required to pay a fine, for example, $1,000 a year for several years to the Legal Aid Fund.

Counsel for the Society made submissions.

Counsel for the solicitor advised Convocation that the solicitor was prepared to undertake to Convocation that he will advise the Federal Lawyers' Association of his position and resign as president of that organization.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the matter be referred back to the Discipline Committee for the penalty described in the third motion to be carried out there.

The first three motions respecting penalty were voted upon.

The third and second motions were *lost.*

The first motion (that the solicitor be reprimanded in Convocation) was *carried.*

The first motion having been carried, the fourth motion was *not put.*

The solicitor, counsel and the reporter returned.

The solicitor was advised of the disposition of the matter by Convocation and was informed of his right to appeal Convocation's order. The solicitor waived his right to appeal.

Counsel and the reporter withdrew.

The solicitor was reprimanded by the Treasurer.

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ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 9th November, 1978.

The following members were present: Mr. Ground (Chairman), Mrs. Legge (Vice-Chairman), Messrs. Brulé, Cass, R. J. Gray and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special

The following candidates, having filed the necessary papers, paid the required fee of $200 and complied with the requirements of the Admissions Committee in their particular cases, are entitled to be called to the Bar and to be granted Certificates of Fitness:

Douglas Paul MacIver Emond	Osgoode Hall Law School of York University
Ralph Lloyd Simmonds	University of Windsor

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 104 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1978.

Approved

OCCASIONAL APPEARANCE

Jeffrey Gindin is a member of the Bar in Manitoba and practises in Winnipeg. He was called to the Bar in Ontario on 16th June, 1978 under Regulation 10 respecting "Occasional Appearances in Court of lawyers from other provinces", in the case of *Regina v. Holland.* Meanwhile he had been asked to act for a further client charged with conspiracy to import drugs, *Regina v. Driedger,* and asked if he might be granted permission to appear in this case also. This item appeared before Convocation on 20th October, 1978 when a decision was deferred. Further information is that Mr. Gindin's client is a Manitoba resident, who was first in custody in Manitoba and thereafter transferred to Ontario. Mr. Gindin was retained by the client in Manitoba and had acted for him before. The preliminary hearing has been set for 18th December, 1978.

The Committee recommended that his application be denied.

It was moved in Convocation, seconded and *carried* that he be permitted to appear a second time pursuant to his Call to the Bar for an Occasional Appearance.

TRANSFER EXAMINATION

A candidate who was called to the Bar of British Columbia in 1976 and since that time has been working for the Federal Government in Ottawa, will apply in May 1979 to transfer to practise in Ontario under Regulations 4 (1) and 3 (1). Subject to his application to transfer being approved he asked if he might write the examination on the Statutes and Procedure in Ontario in May 1979. This examination, which is held in May and November each year, is usually held in the first week of those months and this will mean that he will be two weeks short of three years of active practice when he sits the examination. His wife is presently doing a Ph.D. degree at the University of Toronto and has two more years to go. Their separate locations are putting a considerable financial and emotional strain on their marriage and for these reasons he would like to sit the examination in May.

Approved

COMPREHENSIVE EXAMINATION ON THE COMMON LAW

A candidate who was called to the Bar of Quebec in 1963 and was approved to transfer under Regulation 4 (2) on 21st October, 1977, wrote the comprehensive examination on Common Law in February 1978 and failed. Subsequently the Report of the Sub-Committee formed to consider Regulation 4 was adopted by Convocation in April 1978; the changes and improvements to the examination that were recommended are underway. The candidate felt that he might have been successful in passing the examination had the new information that will be given to candidates been available to him, that is, a sample examination paper and a list of recommended texts. He asked if he might be allowed two attempts under the new system.

The Committee recommended that he be advised that he may sit the examination once more under the new system. He cannot be excused from the examination.

COMPREHENSIVE EXAMINATION ON THE COMMON LAW

A candidate who applied to be admitted to the Nova Scotia Barristers' Society in 1975 was required under their regulations to successfully pass the comprehensive examination on Common Law as set by the Law Society of Upper Canada. Under the Nova Scotia Barristers' Society rules he may, at the present time, write an unspecified number of times.

He wrote the examination twice, in March 1976 and in May 1978, and failed both times. He does not agree with the assessment that he failed the examination he wrote in May 1978 and asked:

(a) May he know the marks he obtained in the papers.

(b) May he check his examinations.

(c) May he have his examination papers reread.

(d) May the policy of not rereading examination papers be changed.

The Committee recommended that he be advised that he should direct his question as to his marks to the Law Society of Nova Scotia; that he may not check his examination; that his papers may not be reread; and that there is no plan to change this policy.

PETITION

Stuart Beverley Scott was called to the Bar on 10th April, 1964 and disbarred on the 21st April, 1967 after being found guilty of professional misconduct. He had misappropriated $31,387.04 from his trust account. Prior to the Discipline hearing Mr. Scott had acquired funds from personal loans to cover the trust shortage and therefore no payments were made out of the Compensation Fund.

On 17th June, 1977 Convocation approved that he be readmitted to membership in the Society upon:

(a) successful completion of the teaching portion of the Bar Admission Course.

(b) undertaking, that without the express approval of Convocation he will not practise on his own and will have no authority to sign cheques drawn on any Trust Account.

He was again called to the Bar and admitted as a Solicitor on 19th April, 1978.

Mr. Scott is now a partner in the firm of Girard, Gasparitsch, Scott in Thunder Bay which began business in May 1978. A letter signed by Messrs. Girard and Gasparitsch was before the Committee. They asked if Mr. Scott might be relieved from his undertaking not to sign cheques drawn on a trust account. They submitted that two partners must sign all trust account cheques; that it was often necessary to issue trust account cheques when either Mr. Girard or Mr. Gasparitsch was away from the office; that they each exercise control over disbursements made from the trust account; that they have faith in Mr. Scott and wished to provide service for their clients.

Your Committee recommends that the request be denied.

It was moved in Convocation, seconded and carried that Mr. Scott be permitted to be one of two signing officers on trust account cheques.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in November 1978 was before the Committee. Eleven candidates sat the examination.

Eight candidates passed and three failed.

Approved

THE REPORT AS AMENDED WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Douglas Paul MacIver Emond
Ralph Lloyd Simmonds

....

MOTION: REGULATION 10 – ADMISSIONS FOR OCCASIONAL COURT APPEARANCES

It was moved, seconded and *carried* that Regulation 10 be referred to the Legislation and Rules Committee to be redrafted to conform with Convocation's practice.

. . . .

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 9th November, 1978.

The following members were present: Messrs. Pepper (Chairman), Brulé (Vice-Chairman), Farquharson, Ground, Guthrie, Ogilvie and Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to Judicial Office and their membership in the Society will be placed in abeyance upon their assuming office:

Coulter Arthur Anthony Osborne, Q.C., Kitchener	Called – 25 June 1959 Appointed Judge, Supreme Court of Ontario, High Court of Justice – 27 September 1978
William John Pickett, Belleville	Called – 19 March 1970 Appointed Provincial Judge, Family Division, Hastings County – 1 February 1978
Robert Duncan Reilly, Kitchener	Called – 19 March 1970 Appointed Provincial Judge, Criminal Division, Judicial District of Waterloo – 18 October 1978
Garry John Guzzo, Ottawa	Called – 21 March 1969 Appointed Provincial Judge, Family Division, Judicial District of Ottawa-Carleton – 25 October 1978

Appointment to the Tax Review Board

The following member has been honoured by his appointment to the Tax Review Board and his membership in the Society will be placed in abeyance upon his assuming office:

Michael Joseph Bonner, Toronto	Called – 12 April 1962 Appointed Member of the Tax Review Board – 1 July 1978

Deaths

The following members have died:

Homer Brock Neeley, London (Life Member)	Called – 18 November 1915 Died – 13 March 1978
Duncan Thompson Stewart, Toronto	Called – 14 September 1951 Died – 14 October 1978
Monte Goldwyn Singer, Q.C., Willowdale	Called – 27 June 1957 Died – 11 October 1978
Maxwell Sauder, Hamilton	Called – 16 September 1937 Died – 7 October 1978
Gordon Richard Foster, Q.C., Barrie	Called – 20 November 1930 Died – 23 September 1978
Cuthbert Peart Coatsworth, Toronto (Life Member)	Called – 19 May 1921 Died – 19 October 1978
The Hon. John James Greene, Q.C., Ottawa	Called – 29 June 1950 Died – 23 October 1978
Richard Henry Neil, Q.C., Toronto (Life Member)	Called – 19 May 1921 Died – 24 October 1978
James Edward Bullbrook, Q.C., Sarnia	Called – 23 June 1955 Died – 27 October 1978
William Basil Cross, Q.C., Don Mills	Called – 17 November 1932 Died – 31 October 1978

Noted

MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty-five years of age and over and who are fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees. Their formal applications were before the Committee:

Paul Hayden Armstrong	Guelph
Francis Andrew Brewin, Q.C.	Ottawa
Walter Maurice Dales	Burlington
Richard Samuel Joliffe Davies	Ottawa
Arthur John De Diana, Q.C.	Sudbury
Arnold Rex Dixon	Rexdale

Robert Howell Evans	Kanata
Charles Franklin Farwell, Q.C.	Toronto
George Theodore Heintzman	Toronto
Jesse Davis McCarthy, Q.C.	Ottawa
Harold Douglas Peterson	Bruce Mines
Gerald Dalton Sanagan, Q.C.	Islington
Edwin Alcott Tilley, Q.C.	North Bay
Gordon Dorward deSalaberry Wotherspoon, Q.C.	Uxbridge

Approved

The following member has not yet submitted his formal application:

Ellis Hughes Cleaver, Q.C.	Burlington

Approved, subject to his filing a satisfactory application.

Incapacitated Member

The following member requested consideration of his application as a disabled member to continue his membership without payment of annual fee. His formal application has not yet been received:

Michael Edmond Anka, Q.C.	Ottawa

Approved, subject to his filing a satisfactory application.

RESIGNATION

The following members have applied for permission to resign their membership in the Society and submitted their Declarations in support. Both members wish to be relieved of the necessity of publication in the Ontario Reports.

William Alexander de Nance	Calgary
Hugh John Plaxton, Q.C.	Mississauga

The Committee recommended approval of the resignations and the request of *William Alexander de Nance* to be relieved of the necessity of publication in the Ontario Reports. However they recommended that *Hugh John Plaxton, Q.C.,* be required to publish in the Ontario Reports.

LIFE MEMBER

Pursuant to Rule 49, the following member was eligible to become a Life Member of the Society:

Bruce John Stewart Macdonald, Q.C.,	Windsor

Approved

REFUNDS OF ANNUAL FEES

Before the recent revisions to Rule 50, there were unwritten rules being followed regarding refunds to persons who ceased to be members after the due date of the annual fee. The Committee was asked to clarify the position relating to refunds of fees in the light of the changes to Rule 50. The Committee was also asked if instructions can be given so that each individual refund does not have to be referred to this Committee for approval but instead reported after the refund has been made.

The due date of the annual fee is now specified in Rule 50 to be the 1st of October. This is taken to mean that a person who ceased to be a member prior to 1st October would not be required to pay fees for the current year and if already paid, a refund would be made.

The case of persons ceasing to be members after 1st October is the one that requires clarification. In the past, persons ceasing to be members up to two months after the due date were eligible for refunds but only if applied for by the member, or his estate in the case of death. Equally, a person who ceased to be a member in this two-month period but had not paid fees was not pressed for payment.

The following suggestions were submitted for consideration by the Committee:

(i) The estate of a member whose fees have been paid and who dies between 1st October and 30th November is entitled to receive a full refund whether applied for or not;

(ii) No refund is to be made in respect of a member whose fees have been paid and who dies after 30th

November;

(iii) The estate of a member who dies on or before 30th November and whose fees have not been paid is not asked to pay the current year's fees;

(iv) A member whose fees have been paid and whose membership goes into abeyance under Section 31 of the Act between 1st October and 30th November is entitled to receive a full refund whether applied for or not;

(v) No refund is to be made in respect of a member whose fees have been paid and whose membership goes into abeyance under Section 31 of the Act after 30th November;

(vi) A person whose membership goes into abeyance under Section 31 of the Act before the 30th of November and whose fees have not been paid is not asked to pay the current year's fees;

(vii) A person whose membership goes into abeyance under Section 31 of the Act after 30th November and whose fees have not been paid is asked to pay the current year's fees.

Approved

MEMBERSHIP IN ABEYANCE

Section 31 of The Law Society Act reads:

> "The membership of any member or former member who has assumed office or hearafter assumes office as,
>
> (a) a full-time judge under any Act of the Parliament of Canada; or
>
> (b) a full-time judge under *The Provincial Courts Act,* or *The Small Claims Courts Act;* or
>
> (c) the Senior Master or a full-time master or a full-time assistant master or a full-time local master of the Supreme Court of a full-time taxing officer,
>
> is, while he continues in any such office, in abeyance, and upon his ceasing to hold such office, shall be restored by his giving notice in writing to such effect to the Secretary."

The question is whether it applies to members of the Ontario Bar who are appointed to judicial office outside of Ontario.

J. D. Lambert, a member of the Bar of Ontario, was appointed on 14th July, 1978 to the Court of Appeal of British Columbia and the Court of Appeal of the Yukon Territory. The Committee was asked whether under clause (a) of section 31 Mr. Lambert's membership in the Bar of Ontario goes into abeyance.

Peter Ayotte, a member of the Bar of Ontario, was appointed on 14th August, 1978 to the Territorial Court of the Northwest Territories by Court Ordinance under the Northwest Territories Act. The Committee was asked to decide whether his appointment falls under clause (a) of section 31.

In February 1973, the Committee decided to extend the placing of membership in abeyance to members of the Ontario Bar appointed in other provincial jurisdictions. This decision was made when reviewing the case of a member who had been appointed to the Provincial Court of British Columbia. Using this ruling as a precedent, the membership of another member was placed in abeyance when he was appointed a Magistrate in the Yukon Territory.

The Committee was of the view that the memberships of *J. D. Lambert* and *Peter Ayotte* should go into abeyance.

Dietrich Brand, a member of the Bar of Ontario, was appointed on 2nd March, 1978 to the Family and Juvenile Court under the Provincial Court Judges Act of Alberta. The Committee was asked to decide whether under clause (b) of Section 31 Mr. Brand's membership in the Society goes into abeyance.

The Committee was of the view that *Judge Brand's* membership should go into abeyance, and recommended that an amendment be sought to Section 31 to make it clear that the membership of a member of the Society goes into abeyance on appointment to a full-time judicial office anywhere in Canada, to be restored as the present section now provides.

ELEVATOR MAINTENANCE

Otis Elevator Company Limited has submitted a contract for maintenance of 2 passenger elevators and the newly installed dumb waiter serving the bencher's kitchen.

In addition to adding the new dumb waiter, the revisions to the contract were necessary to include the rear stop and opening added to the passenger elevator.

Cost of maintenance under the new contract is $493.47 per month compared to $429.19 under the old contract.

Approved

GENERAL MAINTENANCE

Mr. Heeney, the Society's architect, has submitted an estimate for the installation of two oak cupboards in Room 317 (Mr. Stinton's Office) at a cost of $850 each plus hardware.

Approved, subject to the Chairman's approval upon receiving further information.

LEGAL EDUCATION COMMITTEE

The following item appeared on the agenda of the Legal Education Committee at its meeting on 9th November, 1978:

> "METROPOLITAN TORONTO LEGAL SECRETARIES ASSOCIATION – REQUEST FOR USE OF PREMISES
>
> The Metropolitan Toronto Legal Secretaries Association has requested the use of the building premises at Osgoode Hall and in particular the main classroom, for the purposes of holding legal education workshops for legal secretaries on the second Tuesday of January, February and March 1979. These dates are January 9th, February 13th and March 13th, 1979. The Association's letter dated September 22nd, 1978, is before the Committee."

The Legal Education Committee recommended approval, subject to a payment of $75 per occasion janitorial fee.

Approved

THE REPORT WAS ADOPTED

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MOTION: PROPOSED AMENDMENT OF SECTION 31 OF THE LAW SOCIETY ACT

It was moved, seconded and *carried* that the Discipline Committee be asked to consider proposing an amendment to Section 31 of The Law Society Act so that if a judge is removed from office or resigns in circumstances which might have resulted in removal, Convocation will have a discretion whether to permit his membership in the Society to be restored, or such further amendments to this section as may seem desirable.

....

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 12th October, 1978.

The following members were present: Messrs. Cass (in the Chair), Ogilvie and Strauss.

STUDENT APPLICATIONS

Applications for grants were received from three students. A memorandum from Mrs. Knox was before the Committee in which she recommended that grants not be made.

The Committee recommended that Mrs. Knox's recommendation be adopted.

APPLICATIONS

Two applications for grants were before the Committee. Both applicants had received grants on previous occasions.

The first applicant had received a grant in September and the Committee recommended that the applicant be advised that a further grant cannot be considered at this time.

The second applicant had received a grant at the beginning of the year and the present application was accompanied by a letter from the applicant's solicitor setting out details of the applicant's circumstances for the Committee's consideration. The Committee recommended that a grant be made forthwith.

THE REPORT WAS ADOPTED

....

Mr. Pepper presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 9th November, 1978.

The following members were present: Messrs. Cass (Acting Chairman), Strauss and Seagram.

APPLICATIONS

The Committee had before it two applications for grants.

The first application had been considered at the Committee's meeting on 12th October, 1978 and the Committee had recommended that a grant be made forthwith. The Committee's report to the October Convocation was stood over for lack of time and in the circumstances the Chairman authorized that payment of the grant be made to the applicant. The Committee was asked to ratify the Chairman's action. It is recommended that the Chairman's action be ratified.

The second application was accompanied by a letter from the applicant's solicitor which gave details of the applicant's monthly income and expenditure. The Committee recommended that a grant be made.

THE REPORT WAS ADOPTED

....

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 8th November, 1978.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Carnwath, Chadwick, Ferrier, Mrs. Fleming, Mr. Guthrie, Mrs. Jarmain, Messrs. Jones, Lamb, Nixon, Ogilvie, Ruby, Shaffer, Mrs. Smyth, Mrs. Tait, Mr. Whealy.

Sidney Linden, solicitor, Toronto, was also in attendance as an observer from the Criminal Lawyers Association.

Also in attendance, by special invitation, were John Weisdorf, Q.C., Director of Duty Counsel, Old City Hall, Toronto, and A. C. Harry, Q.C., Area Director, Algoma District.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the six month period ended September 30, 1978, shows that payments from the Legal Aid Fund were less than budget by $207,000. Of this total, $78,000 represents under-expenditure of designated Community Clinic funds. The remaining $129,000 is accounted for as follows:

Under budget	*$*	*$*
Duty Counsel payments	28,000	
Legal Advice certificate accounts	35,000	
Salaried Duty Counsel project	3,000	
Area Office costs	49,000	
Provincial Office costs	123,000	238,000
Over budget		
Criminal certificate accounts	44,000	
Civil certificate accounts	24,000	
Student Legal Aid Societies	41,000	109,000
Net payments under budget		129,000

Note: The $41,000 overspent on Student Legal Aid Societies is recoverable from the Youth Secretariat Experience '78 programme.

Income from sources other than the Province of Ontario was over budget by $271,000 as follows:

	$
Law Foundation	62,000
Client contributions	106,000

	$
Costs recovered	79,000
Miscellaneous income	24,000
	271,000

Therefore, in net cost terms, the fee-for-service component of the Plan is under budget by $400,000 (expenditure under budget $129,000 and income over budget $271,000).

As at September 30, 1978, there was a balance in the Fund of $26,000.

Accounts receivable past due more than 90 days

	At Sept. 30, 1978	*Last Month*	*Last Year*
Value	$1,677,000	$1,656,800	$1,482,800
% of total receivables	60.6	60.6	59.6

Statistics

The following table compares reported activity for the first six months of this fiscal year with the activity of the same period in the previous fiscal year:

	6 months ended Sept. 30, 1978	*Sept. 30, 1977*	*% Change from last year*	
Informal applications	57,416	47,186	+	21.7
Applications for certificates	55,775	52,842	+	5.6
Refusals	17,930	17,704	+	1.3
As a percentage of applications	32.1	34.6		
Certificates issued	40,555	38,664	+	4.9
Persons assisted by Duty Counsel:				
Fee for service	70,143	66,962		
Salaried Duty Counsel	16,725	12,194		
Total	86,868	79,156	+	9.7

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	6 months ended Sept. 30, 1978 No.	%	*6 months ended Sept. 30, 1977* No.	%
Total persons seeking assistance (Informal and formal applications)	113,191	100.0	100,028	100.0
Advice and referral (Informal and formal applications)	57,416	50.7	47,186	47.2
Certificates issued	40,555	35.8	38,664	38.6
Unassisted persons	15,220	13.5	14,178	14.2
	113,191	100.0	100,028	100.0

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	October 1978	*7 Months to Oct. 31/78*	*7 Months to Oct. 31/77*
Reviews on hand	323		
Reviews received in	120	745	747
	443		
Settlements reviewed in	102	639	776
Settlements awaiting further information	3		
Settlements awaiting review at end of	338		
	443		

Appeals

	August	*September*	*October*
Appeals to Taxing Master received during	1	–	–
Appeals heard by Taxing Master	–	–	1
Appeals pending at the end of the month	5	5	4
Appeals abandoned	–	–	–

Activity

	1978/79 Fiscal Year		*1977/78 Fiscal Year*	
	Month of Oct. 1978	*7 Months to Oct. 1978*	*Month of Oct. 1977*	*7 Months to Oct. 1977*
Accounts on hand at beginning	4429	6016	5526	4657
Accounts received	5440	36822	5348	35456
Total Accounts to be processed	9869	42838	10874	40113
Less: Files Cancelled	39	246	50	308
Accounts Processed	5505	38267	4899	33880
Balance	4325	4325	5925	5925

In addition to the number of accounts for services completed there were:

Interim Accounts	232
Supplementary Accounts	246

SECTION 611 OF THE CRIMINAL CODE

Section 611 of the Criminal Code reads:

> "A court of appeal or a judge of that court may, at any time, assign counsel to act on behalf of an accused who is a party to an appeal or to proceedings preliminary or incidental to an appeal where, in the opinion of the court or judge, it appears desirable in the interest of justice that the accused should have legal aid and where it appears that the accused has not sufficient means to obtain that aid."

The Steering Committee recommended and Convocation approved that "Before a judge assigns counsel under Section 611 of the Criminal Code, the Director should be given an opportunity to make submissions to the judge before any assignment of counsel is made."

Clayton Ruby undertook to discuss the said motion with the Committee of Bench and Bar and report back.

The relevant portion of Mr. Ruby's letter reads as follows:

> "It will henceforth be the practice of the Court not to entertain applications under Section 611 of the Criminal Code but merely to adjourn them. At that point the Judge involved, who feels that there

> is merit in the appointment of counsel, will, pursuant to Section 16 (11) of The Legal Aid Act telephone the Director and request counsel. The Court feels that they have never had a problem using this method in the past and do not anticipate one in the future.
>
> In a meeting with Chief Justice Howland and Justices Martin and Arnup, this matter was further discussed and the Court pointed out that they do not lightly ask that counsel be appointed, and do so only where they are quite certain that there is a point with merit that needs to be argued by counsel.
>
> This approach to the problem has the advantage of involving Legal Aid in an informal way and in my view, adequately meets the need to have input and information from Legal Aid before counsel is appointed."

LIMITATION OF CRIMINAL CERTIFICATES

At its meeting on July 12, 1978 the Legal Aid Committee approved the following recommendation:

> "That only 90 certificates be granted to a lawyer on a criminal Legal Aid panel for a fiscal year and that this number not be exceeded unless the lawyer applying establishes that the number of lawyers practising criminal law in his local area is such that an increase is warranted."

Convocation approved this recommendation on Friday, September 15th, 1978.

A number of lawyers applied for an increase.

Several of the solicitors applying pointed out that this new policy had been introduced half way through the current fiscal year, and had they known of such a limitation earlier they would have conducted their legal aid practice in a different way.

It was acknowledged that there are some administrative procedures to be clarified in applying this new rule. For example, one client is often charged with a number of offences and granted a number of different certificates for them. These matters are put into the same court and dealt with at the same time although on separate certificates. In such instances solicitors could have requested a single certificate which listed all charges.

The Committee reviewed the material filed. After discussion the Committee recommended that all the solicitors whose applications were before it be permitted to acknowledge up to a maximum of 125 criminal certificates for the current fiscal year.

The Committee was of the view that some latitude is appropriate under all of the circumstances. However, the new directive has now been widely circulated among all solicitors who are likely to be affected and will be adhered to in the forthcoming fiscal year.

STAFF SALARIES – LEGAL AID PLAN

Salaries paid to employees of the Ontario Legal Aid Plan have been subject to the Anti Inflation Board guidelines for the past three fiscal years. The Chairman recommended that the salaries be reviewed by a sub-committee to consist of the following: A. C. Whealy, Chairman, and Messrs. Ferrier, Goodman, Jones and Ogilvie.

PROPOSED AMENDMENTS TO THE LEGAL AID TARIFF

Attorney General Roy McMurtry, Q.C., in an address to the annual meeting of the Law Society on October 19th, 1978, announced that although the Cabinet had approved an increase to the Legal Aid tariff in principle, the government wished certain changes made to the Plan before additional funds would be made available.

The changes mentioned by the Attorney General in his speech on October 19th, arose out of a report presented to the Legal Aid Committee for the first time on October 13th. The Committee referred the report back to the sub-committee appointed to study the delivery of legal aid services for a detailed study having regard to the costs of implementing the proposed changes.

In reply to the Attorney General's speech, the Treasurer of the Law Society and the Chairman of the Legal Aid Committee expressed disappointment that the government had seen fit to link the tariff increase with proposals for change to the Plan. This linking, they noted, was contrary to assurances which had been given by the Attorney General. Lawyers operating under the Plan have not received an increase in fees since September 1973 and are now not likely to receive an increase until at least April 1979.

After review of the Attorney General's October address the Committee recommended that the Treasurer and the Chairman attend on the Attorney General, with several members of the Legal Aid Committee approved by the Treasurer, to discuss with the Attorney General what changes to the Plan should be specifically incorporated into the amended tariff having regard to his address to the Law Society.

The Chairman will call a special meeting of the Legal Aid Committee immediately after such discussion with the Attorney General.

AREA DIRECTORS' MEETING

A meeting of the Area Directors and Deputy Area Directors will take place on December 1st, 1978, in the Provincial Director's boardroom.

AREA COMMITTEES

APPOINTMENTS

York County

Ms. Naomi Duguid, Law Student, University of Toronto, Toronto.

RESIGNATIONS

Simcoe County

Roger G. Oatley, solicitor, Barrie.

DECEASED

Lincoln County

Mrs. W. E. Bray, retired school teacher, St. Catharines.

THE REPORT WAS ADOPTED

. . . .

MOTION: LEGAL AID FUNDING

It was moved and seconded that a special committee of Convocation be appointed to consider alternative ways of funding Legal Aid.

Convocation directed that the motion *stand*.

. . . .

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

. . . .

The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice John Brooke of the Court of Appeal of The Supreme Court of Ontario and Mr. John Ziegler, President of the National Hockey League and a member of the Michigan State Bar.

. . . .

CONVOCATION RESUMED AT 2:15 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Bowlby, Brulé, Carnwath, Chappell, Cooper, Farquharson, Furlong, W. Gibson Gray, Ground, Guthrie, Humphrey, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Pomerant, N. MacL. Rogers, W. P. Rogers, Ruby, Seagram, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, White and Willoughby.

. . . .

BENCHERS ELECTION

Mr. M. M. Orkin, Vice-Chairman of the Legislation and Rules Committee, reported on the changes made in the Rules respecting the Benchers Election.

. . . .

SPECIAL COMMITTEE ON COMPETENCE

Mr. Stuart Thom presented the Report of the Special Committee on Competence dated 17th November, 1978.

Convocation proceeded to consider the Report, giving special consideration to the enumerated list of categories.

It was moved and seconded that "Patents, trade marks and copyrights" be a separate main category.

It was moved and seconded that the sub-headings be deleted.

It was moved, seconded and *carried* that the sub-headings be deleted and that the headings as listed be approved with the addition of "Patents, trade marks and copyrights".

The third motion being carried, the first two motions were *not put.*

It was moved, seconded and *carried* that the heading "Family law" be amended to "Family law and divorce".

It was moved, seconded and *carried* that the heading "Immigration" be added as a category.

It was moved, seconded and *carried* that "landlord and tenant" be added to "Real Estate" so that the heading will be "Real Estate and landlord and tenant".

It was moved, seconded and *carried* that "debtors' and creditors' rights" be added to "Business law" so that the heading will be "Business law and debtors' and creditors' rights".

Deletion of the third and fourth paragraphs of the Report was agreed to.

It was moved, seconded and *carried* that the final paragraph be amended to delete the fee in respect of "General Practice" by adding "with the exception of 'General Practice' " after the word "area".

Convocation agreed to the deletion of the phrase "of $50" from the last paragraph of the Report so that with the foregoing amendment and this deletion the paragraph reads: "Your Committee recommends that an annual fee be charged in respect of each designated area, with the exception of "General Practice", used in connection with a member's name."

The Report of the Special Committee incorporating the amendments and changes is as follows:

Since reporting to Convocation in June last your Committee has met to consider the names of the areas of law which members should be permitted to use identifying their preferred areas of practice. In selecting these headings your Committee is aware that they will be put to a variety of uses and should not only indicate sensible groupings of legal activities, but be intelligible both to members of the profession and to the public at large. For the purpose of providing courses and materials aimed at the maintenance of competence, the fewer the categories designated the more easily the programmes can be arranged. For the purpose of assisting the public, however, the categories need to be more numerous and bear names that in fact enable them to find a lawyer practising in the areas where their problem lies.

Your Committee recommends the following list:

1. Criminal law;
2. Real Estate and landlord and tenant;
3. Business law and debtors' and creditors' rights;
4. Estates, Wills and Trusts;
5. Civil litigation;
6. Family law and divorce;
7. Taxation;
8. Labour relations;
9. Administrative law;

10. Air and Marine law;
11. General Practice;
12. Patents, trade marks and copyrights;
13. Immigration

Your Committee recommends that before showing any designation, members be required to file with the Society a form stating the areas of practice they intend to show after their names in the Yellow Pages, on cards and letterheads and elsewhere and be required to comply with the Society's requirements with respect to continuing education which would include receipt of material and attendance at Continuing Education Programmes, Lectures and Seminars.

Your Committee recommends that the Legal Education Committee be asked to make recommendations to Convocation with respect to the supervisory committees needed to specify the Continuing Education requirements for each of the thirteen designated areas of practice. Your Committee suggests that the Committee consider organizing supervisory committees under the direction of the Director of the Bar Admission Course much as the Heads of the Sections of the Bar Admission Course are now organized.

Your Committee recommends that an annual fee be charged in respect of each designated area, with the exception of "General Practice", used in connection with a member's name.

THE REPORT WAS ADOPTED

....

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. A. M. Cooper, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 16th November, 1978.

The Committee met to consider what amendments may be necessary to the Rules of Professional Conduct as a result of the adoption of the Report of the Special Committee on Advertising. The following members were present: Messrs. Cooper (Chairman), Chappell, Humphrey, McWilliams, Orkin, Strauss and Mrs. Sutherland. Mr. B. O'Brien by invitation.

The Committee had a full and lengthy discussion with respect to proceeding with the necessary amendments to the Rules of Professional Conduct. A rough draft of proposed amendments to paragraph 14 of the Commentary to Rule 13 was considered. It was suggested that this draft be informally circulated among the Bench for comments. The Sub-Committee that had been appointed at the Committee's October meeting to deal with this matter has now been authorized to liaise with the Special Committees on Advertising and Competence and the Public Relations Committee.

The Committee adopted the following general principles:

1. Lawyers should not be permitted to publish professional cards in the white or yellow pages of telephone directories.
2. The new provisions permitting informational advertising should be applicable to all of Ontario rather than on a trial basis in selected municipalities.

A sub-paragraph numbered 3 was deleted as out of order being contrary to the recommendations of the Special Committee on Advertising which were approved by Convocation on 29th September, 1978.

THE REPORT WAS ADOPTED

....

LEGAL EDUCATION COMMITTEE–Mr. Pallett

Convocation directed that the Report of the Legal Education Committee of its meeting on Thursday, 9th November, 1978 *stand.*

....

PROFESSIONAL CONDUCT COMMITTEE (Continued)

Mr. A. M. Cooper, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 12th October, 1978.

The following members were present: Messrs. Orkin (Vice-Chairman acting as Chairman), Chappell (Vice-Chairman), Lochead, McWilliams, Strauss, Mrs. Sutherland and Mr. Tobias.

1. ADVERTISING

In accordance with the instructions given at the Special Convocation on September 29th last, a Sub-Committee has been appointed to consider and report as to what amendments are necessary to the Rules of Professional Conduct in order to give effect to the decisions taken at the Special Convocation.

2. At the regular Convocation in September as a result of the report of the Errors and Omissions Committee, this Committee was asked to amend the Rules of Professional Conduct in order to make it mandatory for every law practice to maintain a limitation reminder or tickler system and to keep in every real estate file notes on the search of title. The Committee expects to be able to recommend to Convocation in November the appropriate amendment.

3. ROYAL COMMISSION OF INQUIRY INTO THE CONFIDENTIALITY OF HEALTH RECORDS IN ONTARIO

Two members of the profession wrote separately to the Treasurer enclosing letters that they had received from the Counsel for the Royal Commission. The letter read as follows:

> "As you know, the Commission has been investigating the practice, in the insurance industry, of obtaining health information without the authorization of the third-party claimant.
>
> Commencing on Thursday, October 12, 1978, at 10:00 a.m., at the Commission Hearing Room, 180 Dundas Street West, 21st floor, Toronto, the Commission will deal with the involvement of solicitors in the practice of seeking and/or obtaining health information relating to persons who have sustained personal injuries without the consent of those persons.

> The evidence before the Commission suggests that you may have been involved in this practice. That evidence came to the attention of the Commission, either as a result of the voluntary disclosure of documents by insurers, or as a result of the execution of search warrants at the premises of various private investigation firms in the Province of Ontario.
>
> These documents give rise to an allegation that in the course of your acting in a personal injury action, you sought or received health information from first-party insurers, employers, physicians, hospitals, or similar sources of personal information, when you knew or ought to have known that the plaintiff-claimant had not authorized the release of that information.
>
> I have chosen to deviate from our usual practice, and to not propose to cause a summons to be issued to compel you to attend before the Commissioner. I am confident that because you are a member of the Bar, I can rely upon your good faith and respect for the Commissioner, and I therefore simply request that you attend on Thursday, October 12, 1978. I feel sure that it will not be necessary to ask the Commissioner to use his power to compel attendance.
>
> Under Section 5 (2) of *The Public Inquiries Act, 1971,* you will be accorded "full opportunity during the inquiry to be heard in person or by counsel." Of course, if you choose not to attend, it will be open to, and indeed urged upon, the Commissioner to draw whatever inferences the evidence supports, in the absence of any explanation from you.
>
> If you or your counsel wish to discuss any of these matters please do not hesitate to telephone me in Windsor at (519) 258-9333."

The members believe that the information sought is clearly within the solicitor/client privilege and have asked a decision or direction as to whether such information could be disclosed. In reply the Treasurer said,

> "I am not in a position to comment as to whether or not a solicitor and client privilege does exist for that is a matter of law to be determined in accordance with the facts of any particular case.
>
> In our subsequent telephone discussion, you expressed the concern that the Law Society might be critical of a lawyer who did breach a solicitor and client privilege for whatever reason and requested a direction on this subject by the Law Society. Once again I am not in a position to give a definite response and can only refer your correspondence to the Professional Conduct Committee. It can

> consider this and any other information that it may be able to obtain with a view to giving guidance to the profession generally.
>
> I must emphasize, however, that I would not think it proper for the Law Society to express any specific view with respect to Mr. Strosberg's request of you to appear before Mr. Justice Krever or to advise as to what position you should take."

The Committee carefully considered the question as to how far a lawyer should go when asked for information that he or she believes is confidential. It was noted that the first step obviously would be to ask for the client's permission to disclose. To properly respond the client may well need legal advice. Should a lawyer who not having obtained the necessary consent, and, having appeared before a tribunal dealing with the matter, receive an adverse ruling, then take the matter to the courts. The Committee was of the opinion that the Society should not become involved in the matter that is presently before the Commission.

The Secretary was instructed to advise the two members that the Committee concurred in the position expressed by the Treasurer.

4. Various other matters were considered with appropriate instructions being given in each case.

THE REPORT WAS ADOPTED

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Mr. A. M. Cooper presented the Report of the Professional Conduct Committee of its meeting on Thursday, 9th November, 1978.

The following members were present: Messrs. Cooper (Chairman), Carnwath, Lochead, Orkin, Mrs. Sutherland and Mr. Strauss.

1. FAMILY LAW REFORM ACT, 1978

A member of the profession has written to the Society stating that he is concerned about Section 26 of the Family Law Reform Act which he feels may in some circumstances be at odds with a solicitor's obligations to recognize that information received from the client is privileged. This Section empowers the court for purposes of either the bringing or enforcing of an order for support, custody or access, to order any person or public agency to provide the court with such "particulars of the address (of the proposed respondent) as are contained in the records in its custody".

The Committee concluded that this matter should be considered further and intends to refer the matter to a sub-committee for consideration and report.

2. A member has advised the Society that his firm has entered into an arrangement with a firm of patent and trade mark agents. He asked whether it would be appropriate for his firm name to appear at the bottom of the letterhead of the patent and trade mark agents.

The Committee considered paragraph 17, sub-paragraph (b) of the Commentary to Rule 13. The sub-paragraph reads:

> "A lawyer should not while in private practice, permit his name to appear on the letterhead of a company as being its solicitor or counsel of a business, firm or corporation, other than the designation of honorary counsel or honorary lawyer on the letterhead of a non-profit or philanthropic organization which has been approved by the Professional Conduct Committee;"

and concluded that the proposed use of the firm's name was thereby prohibited. The Committee also expressed the view that there was no objection to the inclusion of the patent and trade mark firm name on the letterhead of the law firm.

3. RULE 18

Paragraph 1 of Rule 18 which deals with Borrowing from Clients reads as follows:

> "1. A lawyer must not borrow money from his client save:
>
> (a) where the client is a lending institution, financial institution, insurance company, trust company or any other corporation or person whose business is that of lending money to members of the public; or

(b) where the lawyer is able to discharge the onus of proving that the client's interests were fully protected by the nature of the case and by independent legal representation; or

(c) where in the case of a loan from a related person as defined by the Income Tax Act (Canada) the lawyer is able to discharge the onus of proving that the client's interests were fully protected by the nature of the case and by independent legal representation."

The Committee is concerned that sub-paragraph (a) is too broad in that it would permit a lawyer to borrow from a private company incorporated on behalf of a client, as well as recognized financial institutions, such as banks, trust companies, etc. The client could quite conceivably lack the sophistication that is necessary in order to determine whether a proposed loan arrangement was entirely in keeping with his or her best interests. It is therefore recommended that the word "other" in the third line be deleted, substituting therefor the word "similar", and that in the same line the words "or person" be deleted, so that the sub-paragraph would then read:

(a) where a client is a lending institution, financial institution, insurance company, trust company or any similar corporation whose business is that of lending money to members of the public; or"

It was pointed out that sub-paragraph (c) would require that should a lawyer wish to borrow from an immediate member of his family for whom he has performed legal services it would be necessary for that family member to have independent legal representation in the same fashion as if a lawyer were borrowing from any other client. The Committee is of the view that in borrowings from related persons such a requirement is too stringent and that therefore the word "representation" in the last line of the sub-paragraph should be deleted and the word "advice" substituted therefor.

4. As a result of the Errors and Omissions report which came before Convocation in September, the Committee has been asked to amend its Rules to make it mandatory for every law practice to maintain a limitation reminder or tickler system and

to keep in every real estate file notes on the search of title.

Rule 2 of the Rules of Professional Conduct deals with Competence and Quality of Service. It is recommended that paragraph 6 of the Commentary be altered by the inclusion of a new sub-paragraph (l) which reads as follows:

> "(l) failure to keep notes on the search of title in every real estate file or in another file which comprises part of a central repository in the lawyer's office, provided that the real estate file concerned and the file in the central repository are cross-referenced to each other;"

and a new sub-paragraph (m) which reads as follows:

> "(m) failure to maintain a limitation reminder or tickler system whereby a lawyer would ensure that he has an effective follow-up procedure with respect to his files;"

and the existing sub-paragraphs (l) and (m) be now designated (n) and (o).

A Sub-Committee, under the chairmanship of Mr. Outerbridge with power to add, has been appointed to advise with respect to the system referred to in new sub-paragraph (m). The intention is that such advice could be made known to members of the profession for their assistance when setting up the required system.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. White

Mr. P. B. Tobias, Vice-Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 12th October, 1978.

The following members were present: Mr. White (Chairman), Mrs. Legge, Messrs. Pomerant, Seagram, Strauss and Tobias.

1. Eight accounts were approved by the Committee.

2. The Secretary reported that he had received a complaint about an advertisement in a Toronto newspaper by a service to incorporate companies.

The Secretary was instructed to write to The Law Society of British Columbia for further information concerning what action it is taking.

3. The Secretary reported that he had received a letter from a Hamilton solicitor enclosing a form letter from a business offering conciliation and counselling service which had been received by a Hamilton solicitor. The Chairman will refer this matter for further investigation.

4. The Secretary reported that he had received a complaint from a solicitor concerning the solicitation of his client by a Florida attorney acting as agent for a California law firm. The Secretary was instructed to write to the complaining solicitor for permission to send the documents to the Quebec Bar Association, the Florida State Bar Association and the California State Bar Association.

5. The Secretary reported that he had received a complaint from a solicitor that a company that provided agency services to solicitors was handling conveyancing transactions for clients. The Secretary was instructed to refer this matter for further investigation.

6. The Secretary reported that he had received a complaint from a solicitor concerning a Notary Public who was purporting to act as a solicitor on behalf of clients buying a restaurant business. The Secretary was instructed to send copies of the documents to counsel for the Law Society for a prosecution.

7. The Committee reported that there have been two convictions for contraventions of Section 50 of The Law Society Act.

8. The Secretary reported that he had received a letter from an individual who claimed that his common-law wife had been

defrauded of $1,100.00 by an individual who said he was a lawyer. The Secretary was instructed to refer this matter to the police.

THE REPORT WAS RECEIVED

....

Mr. Tobias presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 9th November, 1978.

The following members were present: Messrs. Tobias (Vice-Chairman), Pomerant, Seagram and Strauss.

1. Five accounts were approved by the Committee.

2. The Secretary reported that he had received a letter from an individual asking for the approval of the Committee to the incorporation of a non-profit corporation to provide legal firms with legal research. The Committee recommended that he be advised that the research services for solicitors to be conducted by law students would not appear, on the letters filed, to be unauthorized practice providing:

   (a) the students doing the legal research and being paid by firms or individual solicitors are supervised by a solicitor who is a member of the Law Society;

   (b) the students can give no legal opinions themselves but the legal opinion is the responsibility of and is signed by the supervisor who is a member of the Law Society; and

   (c) the supervisor if employed by a corporation complies with the Rules of Professional Conduct of the Law Society.

3. The Secretary reported that he had received complaints from two solicitors concerning an individual carrying on business as a Small Claims Court agent. The Secretary was

instructed to write to the two solicitors who complained and state that Section 100 of the Small Claims Court Act permits an agent, provided he is not prohibited by the Judge, appearing for a party to an action in that Court, and to ask the solicitors if they have any more evidence that this individual is doing more than an agent is authorized to do.

4. The Secretary reported that he had received a complaint concerning two individuals who were holding themselves out as persons who could advise on family law matters. The Secretary was instructed to refer this matter to counsel for a prosecution for a breach of Section 50 (1) of The Law Society Act.

5. The Secretary reported that he had received a complaint from a Provincial Court Judge who had forwarded a transcript of a hearing in which an agent employed in a solicitor's office had appeared before the Judge on a case in Provincial Court (Criminal Division). The Committee recommended that the Judge be informed by the Secretary that his complaint had been investigated and that, based on the material filed, the Committee can find no contravention of Section 50 (1) of The Law Society Act.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE
–Mr. N. MacL. Rogers

Mr. N. MacL. Rogers, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 12th October, 1978.

The following members were present: Messrs. Norman MacL. Rogers (Chairman), Chappell, Farquharson, Salhany, Strauss, Mrs. Tait and Mr. Willoughby, and Miss A. R. McCormick.

GREAT LIBRARY

GREAT LIBRARY – STAFF

The Chief Librarian reported that there had been several staff changes.

Noted

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

REPORTING

TENDER FOR PRINTING THE ONTARIO REPORTS

The Secretary reported that he had received a letter from Alan Marks, Vice-President of Canada Law Book Limited with a firm tender for the period January 1 to June 30, 1979, and an estimate which is subject to change for the period July 1 to December 31, 1979. Mr. Burnett outlined to the meeting the reasons why the total amount is less than the tender of May 1978. The Committee recommended that the tender of Canada Law Book Limited be approved

THE REPORT WAS ADOPTED

. . . .

Mr. N. MacL. Rogers presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 9th November, 1978.

The following members were present: Messrs. Norman MacL. Rogers (Chairman), Farquharson, Mrs. Tait, Messrs. Shibley and Strauss, and Miss A. R. McCormick.

GREAT LIBRARY

BOOK LIST

A list of books recently purchased was submitted for approval.

Approved

GIFTS AND DONATIONS

The following donations have been received by the Great Library:

Anonymous	Loose parts of various volumes of the *Osgoode Hall Law Journal*
M. S. Smith, Esq., Director, Ministry of Natural Resources, Toronto	Numerous loose parts of various volumes of the Quebec Queen's Bench and Superior Court Reports; 20 of the *Annuaire de Jurisprudent du Quebec*, 1949 – 1967; and loose parts of several volumes of the *Canadian Bar Review, McGill Law Journal, La Review du Burreau*

Noted

COUNTY LAW LIBRARIES

SUB–COMMITTEE ON COUNTY LAW LIBRARY GRANTS

The Secretary reported that several applications for special status grants had been received. The Committee recommended that the following special status grants be made:

(a)	Peterborough	$ 644.50
(b)	Hamilton	2,500.00
(c)	Middlesex	2,500.00
(d)	Carleton	7,500.00

All of the above special status grants are made on the understanding that the Chief Librarian will inform each of the counties that this is the total amount of a special status grant that each of the above counties can expect to receive subject to the proviso that if there is any surplus after all special status grant applications have been considered, then the Committee will review the applications again. The special status grant to Carleton is subject to the further condition that no part of the $7,500.00 is to be used for annual upkeep.

PROPOSED LIBRARY DISTRICT OF MANITOULIN

The Secretary reported that he had received a letter from John Lane, M.P.P., concerning the status of the above application for funding to establish a basic law library at the Court House in Gore Bay.

The Committee recommended that the Society make an application to The Law Foundation of Ontario for $10,849 on condition that the District of Manitoulin Law Association fund the annual upkeep of the law library.

REPORTING

SUB–COMMITTEE ON LAW REPORTING – BLUE PAGES

The Secretary reported that three companies had submitted tenders to print the Blue Pages which would be distributed to the profession on a subscription basis at cost. The Committee recommended that the tenders be received and that a report be prepared which will take into account the following:

1. Any cost involved in preparing the keyword summaries by the Law Clerks of the Supreme Court of Ontario.
2. The difference in the amount of the tenders if 2,500 members subscribed or if 1,500 members subscribed and the costs of photo-typesetting the summaries, the cost of any changes to the mailing list, the method of billing and collecting from those subscribing for the service.

THE REPORT WAS ADOPTED

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UNFINISHED BUSINESS

Several items which appeared on the agenda were not reached and, because of the lateness of the hour, were adjourned to the Special Convocation on 15th December, 1978.

. . . .

CONVOCATION ROSE AT 5:00 P.M.

. . . .

Read in Convocation and confirmed 19th January, 1979.

G. D. FINLAYSON
Treasurer

THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

Volume 3 Number 10

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Friday, 15th December, 1978
10:00 a.m.

PRESENT:

The Treasurer (Mr. G. D. Finlayson) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carrier, Carter, Cass, Chadwick, Chappell, Cooper, Farquharson, Fennell, Furlong, Goodman, R. J. S. Gray, W. Gibson Gray, Ground, Henderson, Humphrey, Mrs. Legge, Messrs. Lochead, McWilliams, O'Brien, Ogilvie, Orkin, Outerbridge, Pallett, Pepper, W. P. Rogers, Ruby, Salhany, Seagram, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace, White, Willoughby and Zahoruk.

....

FREDERICK GERALD GANS, TORONTO

The Treasurer referred to the death of Frederick Gerald Gans, a member of the Society who had practised in Toronto since his call to the Bar on 25th March, 1966. The major part of his practice was in the area of Family Law and he lectured on that subject in the Bar Admission Course. Mr. Gans was representing a client in a Family Law matter on 5th December, 1978, when he was fatally shot in the corridor of the Supreme Court Building at 145 Queen Street West.

It was moved, seconded and *carried* that Convocation on behalf of the legal profession express its shock and dismay at the tragic death of Frederick Gerald Gans, who was killed while carrying out his professional duties on behalf of a client within the precincts of the Court.

....

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. M. M. Orkin, Vice-Chairman, presented the Report of the Professional Conduct Committee of its meeting on Friday, 8th December, 1978.

The Committee met to further consider what amendments may be necessary to the Rules of Professional Conduct as a result of the adoption of the Report of the Special Committee on Advertising. The following members were present: Messrs. Cooper (Chairman), Orkin (Vice-Chairman), Carrier, McWilliams, Outerbridge and Mrs. Sutherland.

The Committee recommended the following amendments to the Commentary to Rule 13 of the Rules of Professional Conduct.

1. **Paragraph 5**

Delete the present paragraph and replace with the following:

> "5. A lawyer may circulate among the profession or among his clients or publish in a newspaper which is in general circulation in each place in which he maintains an office for the practice of law, announcements in good taste, without photographs (other than at the time of Call to the Bar), containing information pertaining to his practice such as change of office hours, change of address or personnel."

2. **Paragraph 6**

The third sub-paragraph of this paragraph presently reads:

> "A lawyer's letterhead and the signs identifying his office should be restricted to the name of the lawyer or firm, a list of the members of any firm including counsel practising with the firm and the words "barrister-at-law", "barrister and solicitor", "lawyer", "law office", or the plural where applicable, the words "notary" or "commissioner for oaths" or both, and their plural where applicable, may be added. A statement of office hours or alternative addresses may appear, and the words "patent and trade mark agent" in proper cases."

The Committee recommended that the period after the word "added" in the seventh line be deleted and a comma substituted therefor; the words immediately following, "A statement of office hours or alternative addresses may appear,", be deleted, a comma be inserted after the word "cases", and the words "and its plural where applicable" be added; and a new sentence be added at the end of the paragraph to read, "Such letterhead may also contain the information referred to in sub-paragraph (a) of paragraph 14 hereof." so that this sub-paragraph now reads:

> "A lawyer's letterhead and the signs identifying his office should be restricted to the name of the lawyer or firm, a list of the members of any firm including counsel practising with the firm and the words "barrister-at-law", "barrister and solicitor", "lawyer", "law office", or the plural where applicable, the words "notary" or "commissioner for oaths" or both, and their plural where applicable, may be added, and the words "patent and trade mark agent" in proper cases and its plural where applicable. Such letterhead may also contain the information referred to in sub-paragraph (a) of paragraph 14 hereof."

3. **Paragraph 9**

Delete the following words, which appear in the first and second lines of page 41, "which includes a reference to the fact that a lawyer has restricted his practice to a particular field or fields.", and substitute therefor the words, "permitted by these Rules.", so that this paragraph now reads:

> "9. Informational advertising (as opposed to promotional advertising) can be of assistance to persons seeking legal services, for example (a) advertising on behalf of the profession by the Society and by groups authorized by it; (b) publication of names on legal aid panels and referral services sponsored or approved by the Society; (c) the use of nameplates on law offices and the publication of professional cards, letterheads, telephone listings and announcements permitted by these Rules. The overriding considerations are that the content of such advertising should be true and should not be capable of misleading those to whom it is addressed.[6]"

4. **Paragraph 14**

Delete this paragraph in its entirety and substitute therefor the following:

> "14(a) A lawyer may publish a professional card in a newspaper, periodical, law list, programme or directory (other than a telephone directory) which is in general circulation in each place in which he maintains an office for the practice of

law, provided that the publication will accept cards from all lawyers without restriction. The professional card may contain information that he is in General Practice, or that he will practise in up to three of the preferred areas of practice defined by Convocation, provided that he complies with the requirements respecting those areas approved from time to time by Convocation; it may also contain information concerning the languages in which he is proficient and capable of conducting his practice, his addresses, telephone numbers and office hours. Provided that such card shall be no larger than is reasonably necessary to convey such information.

14(b) A lawyer may insert a listing in the white pages of the telephone company directory for each place in which he maintains an office for the practice of law and a similar listing in the section of the yellow pages of such telephone company directory devoted to lawyers. Such listings in a telephone company directory may contain the information referred to in sub-paragraph 14(a) and shall be no larger than is reasonably necessary to convey such information. Where the part of the yellow pages devoted to listings by lawyers provides separate sections for "General Practice" and for the preferred areas of practice approved by Convocation from time to time a lawyer may either insert a listing under "General Practice", or may insert listings under not more than three such preferred areas of practice. A firm of lawyers may either:

(1) List the firm name only under "General Practice" and the names of each of the lawyers practising with the firm under up to three of such preferred areas of practice, followed by the firm name in brackets, or,

(2) list the firm name only under up to three such preferred areas of practice.

14(c) A lawyer should not authorize or permit any notice or announcement or card to be circulated or to be published in any newspaper, periodical, programme, directory, telephone company directory, law list or other publication except in accordance with the informational advertising provisions herein.

14(d) The provisions herein shall apply mutatis mutandis to firms of lawyers and associations of lawyers who practise under a firm name."

5. Paragraph 15

Amend the second sub-paragraph by adding to the end thereof the following sentence, "The area or areas of law in which he practises may, however, be mentioned." so that paragraph 15 will now read:

> "15. A lawyer may write for a 'legal' publication, that is, one intended to be read normally only by members of the legal profession, sign his name, and have his professional qualifications, firm name and biographical facts stated.
>
> A lawyer may write for a 'non-legal' publication, that is, one with a general readership such as a newspaper, trade magazine, etc., and sign his name. He may be referred to as a barrister and solicitor, lawyer or Queen's Counsel, as the case may be, but he should not be referred to as a specialist, nor should any other statement of his special or professional qualification, experience or abilities be made by him or otherwise, nor should his firm name be stated. The area or areas of law in which he practises may, however, be mentioned."

The Committee discussed how the amendments that have been made to the new Rules and Commentaries might be inserted in the handbooks. It recommended that replacement pages be printed on paper with a peelable adhesive backing. The cost of this type of paper and the necessary printing is estimated at $48.28 per 1,000 sheets. Postage will be extra. There has been a printing of 16,000 Professional Conduct Handbooks.

It was moved, seconded and *lost* that on page 3 of the Report the third line of paragraph 14 (b)(1) be amended by adding after the word "firm" the word "either" and after the word "under" the words "general practice or under" so that the said subsection would read:

> (1) List the firm name only under "General Practice" and the names of each of the lawyers practising with the firm either under General Practice or under up to three of such preferred areas of practice, followed by the firm name in brackets, or,

THE REPORT WAS ADOPTED

....

MOTION: ANNUAL FEE WITH RESPECT TO CATEGORIES OF PRACTICE OTHER THAN "GENERAL PRACTICE"

It was moved, seconded and *carried* that the annual fee in respect of each category of practice other than "General Practice" be $25.

. . . .

ADMISSIONS COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Admissions Committee of its meeting on Friday, 15th December, 1978.

The following members were present: Mr. Ground (Chairman), Messrs. Brulé, Cass, and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Transfer from another Province

The following candidates, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $411, applied for call to the Bar and to be granted Certificates of Fitness:

Stephen Ivan Bird	Province of New Brunswick
William Ian Innes	Province of New Brunswick

The following candidates, having passed the comprehensive examination on Common Law and the examination set by the Examining Board, filed the necessary documents and paid the required fee of $511, applied for call to the Bar and to be granted Certificates of Fitness:

Marc Charles Denhez	Province of Quebec
Sean Joseph Harrington	Province of Quebec
Michael David Allan Kaylor	Province of Quebec
Norman Allan Saibil	Province of Quebec
Brian Michael Schneiderman	Province of Quebec
Roger Paul Trudel	Province of Quebec

Approved

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Stephen Ivan Bird
William Ian Innes
Marc Charles Denhez
Sean Joseph Harrington
Michael David Allan Kaylor
Norman Allan Saibil
Brian Michael Schneiderman
Roger Paul Trudel

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Pallett

BAR ADMISSION COURSE ADVISORY COMMITTEE MEMORANDUM DATED 6TH NOVEMBER, 1978

The Treasurer advised Convocation that a group of students in the teaching portion of the Bar Admission Course had retained Mr. Clayton Powell to make representations with respect to the position taken by their elected class representatives and that Mr. Powell was in attendance. The Treasurer ruled that he should not be heard. Convocation concurred.

It was moved, seconded and *carried* that the memorandum circulated to Benchers by the student representatives dated 6th November, 1978, be referred to the Legal Education Committee to be reported on at the next Convocation.

. . . .

Mr. J. C. Pallett, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 9th November, 1978.

The following members were present: Mr. J. A. Brulé, Vice-Chairman, Messrs. Carthy, R. J. S. Gray, Ground, N. MacL. Rogers, W. P. Rogers, Shibley and Mrs. R. M. Tait.

FACULTY APPOINTMENTS –
Toronto, Ottawa, and London as indicated.

It was recommended that the following appointments be made for the teaching term which commenced September 5th, 1978:

(a) *Income Tax Section:*

Stand-by Instructor (Osgoode Hall): R.G. Fitzsimmons.

Stand-by Instructor (London): R.H.L. Innes, C.A.

(b) *Law Office Administration Section:*

To continue as Head of Section, A.A. Strauss, Q.C.

Group Instructors (Osgoode Hall): Serge Anissimoff, R.Y.W. Campbell, J.M. Daniels, P.M. Feldman, Jack Greenberg, Ms. L.M.J. McCaw, F.P. Oster, Julian Romanko, Sidney Troister, R.D. Walker, M.W. Zwicker.

Group Instructors (Ottawa): R.A. Barrette, D.P. Hamilton, R.C. McLaughlin, Harold McNeely, J.P. Morrison, Norman Swedko, P.H. Watson.

Group Instructors (London): G.H. Kleiman, C.V. Laughton, E.C. Somerville, L.R. Waller, J.A. Whaley.

Stand-by Instructors (Osgoode Hall): R.L. Butters, J.P. Hamilton, K.N. Karp.

Stand-by Instructors (Ottawa): Paul C. LaBarge.

Stand-by Instructors (London): E.D. Winder, J.D. Wright.

(c) *Accounting in a Law Office Section:*

To continue as Head of Section, J.C. Vincent, C.A.

Group Instructors (Osgoode Hall): D.M. Brans, John Clappison, C.A., W.C. Dovey, C.A., R.F. Fawcett, C.A., Ronald Flom, A.P. Frogatt, C.A., M.F. Garvey, C.A., Sheldon Goodman, R.F. Hains, C.A., N.W. Little, C.A., I.S. MacGregor, P.F. Marchildon, A.F. Marshall, J.W.R. Medland, C.A., L.W. Newton, C.A., A.J. Packer, M.S. Parrett, C.A., W.T. Pashby, J.W. Peace, W.T. Perks, W.R. Rauenbusch, Harvey Storm, L.A. Torkin, A.B. Tulk.

Group Instructors (Ottawa): David Bishop, C.A., Robert Davis, C.A., William Fenton, C.A., T.E. Foran, C.A., Alan Freed, C.A., Richard Vickers, C.A., R.D. Wiens, C.A.

Group Instructors (London): G.D. Cudmore, R.A. Dolphin, C.A., W.R. Munday, C.A., P.R. Noble, W.R. Stewart, C.A.

Stand-by Instuctors (Ottawa): Brian Murphy, C.A., Ms. Joanne Watt, C.A.

Stand-by Instructors (London): Peter Girty, C.A., Dwight Rollins, C.A.

(d) *Corporate and Commercial Law Section:*

To continue as Head of Section, Allen Karp, Esq.

Group Instructors (Osgoode Hall): Gus Abols, S.V. Arnold, David Buchanan, R.J. Carew, J.R. Collins, A.K. Crossley, C.S. Goldfarb, B.J. Hutzel, David Jackson, E.P. Kerwin, W.J. L'Heureux, J.A. Levin, Brent Lisowski, R.B. Matthews, R.W. McDowell, R.E. Milnes, H.R. Nathan, W.T. Pashby, M.J. Perelman, J.M. Potwin, D.R. Scott, R.A. Shaw, Peter Smith, Harvey Storm, J.A. Swartz, T.J. Tone, S.F. Troster, J.H. Whiteside, A.H. Whittaker, G.A. Wilson, N.L. Winton, Frank Zaid.

Group Instructors (Ottawa): D.F. Alexandor, K.L.W. Boland, P.W. Fortier, R.W. Groulx, J.F. Holmes, T.W. Peterman, P.T. Taggart.

Group Instructors (London): G.B. Carmichael, J.W. Dunlop, R.G. Hatt, D.R. Ross, R.N. Waterous.

Stand-by Instructors (Osgoode Hall): Morton Ainsley, Maxwell Gotlieb, Brian Johnston, Joseph Shier, W.V. Alcamo.

Stand-by Instructors (Ottawa): R.D. Chapman, Grant Jameson, W.C.V. Johnson, D.M. Lennox.

Stand-by Instructors (London): W.C. Nursey, P.H.E. Schwartz.

(e) *Real Estate and Landlord and Tenant Section:*

Group Instructors (Osgoode Hall): P.A. Adams, D.R. Angelson, D.A. Allport, L.D. Barsky, D.M. Brans, Mrs. J.S. Brown, T.G. Deacon, M.J. Fingret, B.V. Hatt, L.M. Hess, R.A. Hummell, Ms. M.A. Kelly, A.C. Knox, Mrs. B.J. McGregor, D.J. McRae, E.N. Merkur, Paul Merrick, D.H. Milman, M.J. Mitchell, M.J. Mowbray, Paul Neubauer, Ms. Marsha Onyett, J.J. Prince, P.D. Quinn, R.W.J. Seyffert, R.E. Smolkin, Chris Stoyan, W.M. Traub, Sidney Troister, G.T. Tsampalieros, R.C. Watt.

Group Instructors (Ottawa): F.A.W. Ault, Abraham Feinstein, E.L. Gladu, D.H. Hill, R.E. Murray, J.M. Patenaude, L.A. Roine.

Group Instructors (London): P.E. Bradley, J.R. Carrie, P.C. Gillespie, A.J. Hanes, D.W. Lewis.

Stand-by Instructors (Osgoode Hall): K.J.C. Dean, M.T. Garvey, Kenneth Karp, H.D. Marks, C.F. Winer.

Stand-by Instructors (Ottawa): Robert Chartrand, G.L. Dubinsky, F.G. Tanner.

Stand-by Instructors (London): H.J. Little, R.G. Siskind.

Approved

BAR ADMISSION COURSE – ONTARIO COUNCIL ON UNIVERSITY AFFAIRS

The Society has been requested to make its annual submission to the Ontario Council on University Affairs during the first week of December, 1978. The submission should include estimated financial statements or budgets for the year 1979 - 1980, together with data on expected enrolment, the future of the Bar Admission Course, special problems and other matters which the Society wishes to bring to the attention of the Council. The proposed dates are Monday, December 4th, Tuesday, December 5th, and Wednesday, December 6th, 1978.

The Committee proposed that the Society make a submission to the Council on Tuesday, December 5th, 1978.

METROPOLITAN TORONTO LEGAL SECRETARIES ASSOCIATION – REQUEST FOR USE OF PREMISES

The Metropolitan Toronto Legal Secretaries Association requested the use of premises at Osgoode Hall and in particular the main classroom, for the purposes of holding legal education workshops for legal secretaries on the second Tuesday of January, February and March, 1979. These dates are January 9th, February 13th, and March 13th, 1979. The Association's letter dated September 22nd, 1978 was before the Committee.

The Committee recommended that this matter be approved subject to payment of $75 per night to cover security and janitorial service costs and the approval of the Finance Committee.

SPECIAL PETITIONS

The Committee had before it six petitions for its consideration. A petitioner who had withdrawn from the teaching term of the Bar Admission Course in January 1977 for medical reasons and subsequently had been granted permission to defer entering the teaching term until September 1978, again petitioned on medical and financial grounds for permission to defer entry into the teaching term until September 1979. The Committee recommended that this petition be granted. A second petitioner who had withdrawn from the current teaching term for medical reasons, requested permission to be readmitted to the teaching term commencing September 1979 and to be given credit for the two courses in which he had written examinations during the term. The Committee recommended that the petitioner be permitted to enter the teaching term in September 1979 without credit for the examinations written during the current term.

A petitioner who expects to complete her LL.B. programme at the end of this month and whose husband is moving to Texas for two years to further his professional studies, wished to minimize the period of separation from her husband and to that end wished to serve under articles in Ontario in the twelve-month period from 1st January to 31st December, 1979, and to enter the teaching term of the Bar Admission Course commencing in September 1980. She therefore requested a modification of Regulation 26 (4)(a) requiring completion of the articling period during the eighteen month period preceding entry into the teaching term of the Bar Admission Course. The Committee approved this petition.

A petitioner who had entered into articles with one solicitor and served thereunder for three weeks terminated these articles and some twenty-four days later entered into articles with a second solicitor and commenced service thereunder. He requested permission to file the new articles of clerkship and to complete his service under articles with the second principal, counting the time served with the first principal notwithstanding the requirement of Regulation 26 (4)(a) to serve for twelve consecutive months. The Committee recommended that this petition be granted subject to the condition that the petitioner serve under articles without time off for holidays or otherwise until 31st August, 1979.

A petitioner who was called to the Bar of Nova Scotia in July 1978 and now lives in Toronto wished to enter the teaching term of the Bar Admission Course in September 1979 and requested that he be exempted from the full articling requirement under Regulation 26 (4)(a) and that such articles as he can serve between December 1978 and 31st August, 1979 be accepted in full of the articling requirement. The Committee recommended that this petition be denied.

Finally, the Committee gave consideration to a petition which had been before it at its October meeting, at which time the Committee directed that further information be sought from the petitioner. A letter from the petitioner giving further information was before the Committee. This petitioner, who had completed articles, was enrolled in the teaching term of the Bar Admission Course which commenced in September 1978. She wished to complete a thesis for a doctoral degree from a University in France and for this reason, and also for financial reasons, requested permission to withdraw from the teaching term and defer entering the teaching term until September 1982. The Committee recommended that permission to defer entry into the teaching term for one year be granted.

BAR ADMISSION COURSE – EXAMINATION GRADING POLICY AND SYSTEM

The present grading and policy system for the teaching term of the Bar Admission Course applicable to all candidates who have complied with the articling requirement of the Course was adopted by Convocation on May 20th, 1977 and is as follows:

All candidates are required to write all regular examinations or, in proper cases, special examinations in lieu thereof. Each candidate must pass each regular examination or special examination in lieu thereof, provided that a candidate who fails not more than three regular examinations or special examinations in lieu therof, shall be entitled to write and required to pass a supplemental examination or examinations in the section or sections of the Course in which such candidate has failed. A candidate must obtain at least 50% of the marks on any examination in order to pass such examination.

A special examination may be written only by a candidate who has not written the regular examination in that section of the Course and who establishes either before or at the date that the regular examination is held that he or she is by reason of illness or physical disability or on compassionate grounds unable to write the regular examination. A medical certificate or certificates must be filed to establish illness or physical disability. Save as aforesaid a candidate who fails to write a regular examination shall not be entitled to write the special examination in that section of the Course.

The supplementary examinations shall be held and written in the latter part of the month of April and/or in the month of May next following the completion of the teaching term or at such other time or times as may be determined by the Legal Education Committee.

In order to complete the Bar Admission Course successfully a candidate must pass an examination whether regular, special or supplementary in each section of the Course.

The Committee recommended that the grading policy and system be modified by including therein a provision that a candidate may fail one examination with a mark of not less than 40% of the marks on such examination provided that such candidate obtains an average of not less than 60% of the total marks on all examinations and that the grading policy and system in the Bar Admission Course be as follows:

Each candidate who has complied with the articling requirement of the Bar Admission Course is required to complete successfully the teaching term of the Course in accordance with the provisions set out below to be entitled to a certificate of successful completion of the Bar Admission Course.

Each candidate is required to write all examinations in the teaching term of the Bar Admission Course. A candidate must obtain 50% of the marks on any examination in order to pass such examination.

A candidate is entitled to a certificate of successful completion of the Bar Admission Course if such candidate:

(i) obtains 50% or more of the marks on each examination; or

(ii) obtains 40% or more of the marks on one examination, 50% or more of the marks on each of all other examinations and not less than an average of 60% of the total marks on all examinations.

A candidate who fails one examination with a mark lower than 40% of the marks on such examination or who fails two examinations or three examinations shall be entitled to write and required to pass a supplemental examination or examinations in the section or sections of the Course in which such candidate has failed. Such candidate shall be entitled to a certificate of successful completion of the Bar Admission Course if such candidate:

(i) obtains 50% or more of the marks on each supplemental examination so written; or

(ii) obtains 40% or more of the marks on one supplemental examination, 50% or more of the marks on each other supplemental examination so written and not less than an average of 60% of the total marks on the examinations which the candidate has passed during the teaching term and the supplemental examination or examinations so written.

A candidate who fails four or more of the examinations in the teaching term fails the Course and shall not be entitled to write any supplemental examinations.

A candidate who is unable by reason of illness or physical disability or on compassionate grounds to write an examination or examinations during the teaching term and who establishes the reason for not writing before or at the date of such examination or examinations shall be entitled to write a special examination or examinations in lieu thereof. A medical certificate or certificates must be filed to establish illness or physical disability. Save as aforesaid a candidate who does not write all examinations during the teaching term shall not be entitled to write a special examination or examinations.

In each section of the Course in which both a supplemental examination and a special examination is required to be written the same examination shall serve as the supplemental examination or the special examination as the case may be. The failure of a special examination giving entitlement to write a further supplemental examination in accordance with the foregoing, shall be treated as a special case and a further examination, either oral or written, shall be arranged should the occasion arise. The supplemental and the special examinations shall be written during the time period commencing with the fifth week after the end of the teaching term.

Candidates who successfully complete the Bar Admission Course at such examinations and qualify for call to the bar may be called to the bar as soon as practicable after the examinations and in any event, shall be entitled to present themselves for call to the bar not later than the end of the third full week in May.

BAR ADMISSION COURSE AND CONTINUING EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Education for the period from 1st July, 1978 to 31st October, 1978 and reviewed a statement setting out the Continuing Education Programmes presented during the month of October 1978 and the publications report for the month of October 1978.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE–Mr. Lochead

Re: ROBERT JOSEPH STOANGI, Toronto

Mr. G. H. Lochead, Chairman, first placed this matter before Convocation on Friday, 17th November, 1978, when the proceedings were as follows:

The reporter was sworn.

The solicitor attended with his counsel, Mr. Alan D. Gold. The Society was represented by Mr. Thomas J. Lockwood.

Counsel for the solicitor waived the reading of the Decision of the Discipline Committee, dated 29th September, 1978 wherein the solicitor was found guilty of professional misconduct.

The Committee found the solicitor had misappropriated nearly $10,000 from his trust account and that while acting for certain purchasers, he had caused equity letters to be issued indicating that he had more money standing to the purchasers' credit than he really had, thereby helping induce a mortgagee to approve the purchasers as borrowers.

The Decision was placed on the record.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision had been accepted by Convocation.

The Treasurer read the Discipline Committee's Recommendation as to Penalty, namely, that the solicitor's rights and privileges as a member of the Society be suspended for a period of six months from a date to be set by Convocation.

Counsel for the solicitor made submissions as to penalty and asked that if the suspension were ordered, it begin on 28th February, 1979.

Counsel for the Society made submisssions as to penalty.

Counsel for the solicitor made submissions in reply.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that upon the solicitor undertaking not to practise real estate law in future, he be suspended for six months forthwith.

It was moved and seconded that upon the solicitor undertaking not to practise real estate law in future, he be suspended for three months forthwith.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions respecting penalty and that since one of them involved a more severe penalty than that recommended by the Discipline Committee, the solicitor might consider requesting an adjournment.

The solicitor, counsel and the reporter withdrew and after a brief recess returned.

Counsel for the solicitor requested that the matter be adjourned.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that an adjournment to 15th December, 1978 be granted.

The solictior, counsel and the reporter returned.

The solicitor and counsel were advised of the adjournment.

The solicitor, counsel and the reporter retired.

The Secretary made note of the Benchers present in Convocation when the adjournment was granted, these Benchers being eligible to form the quorum when the matter resumed.

On Friday, 15th December, 1978, Mr. J. D. Carnwath, Vice-Chairman, placed the matter before Convocation.

The reporter was sworn.

The quorum consisted of Benchers who were present when the matter was considered by Convocation on 17th November, 1978.

Mr. Lochead who had presented the matter on 17th November took no part in the discussion and did not vote. He had been absent during part of the discussion on 17th November and thus was not eligible to be a member of the quorum when the matter resumed.

The solicitor attended with his counsel, Mr. Alan D. Gold. Mr. Thomas J. Lockwood attended on behalf of the Society.

The three motions respecting penalty which were placed before Convocation on 17th November were read.

Counsel for the solicitor filed three letters dated 14th December and one dated 13th December, 1978 from four members of the profession who attested to the character and professional competence of the solicitor, and made submissions respecting penalty.

Counsel for the Society made no submission.

The solicitor, counsel and the reporter withdrew.

The third motion that the solicitor be disbarred was *carried.*

The first two motions were not put.

The solicitor and counsel were advised of Convocation's action.

NOTE:

The Society was served with Notice of Appeal, dated 15th December, 1978, to the Divisional Court by the solicitor.

On 22nd December, 1978, the Court released the Judgment of Reid, J., ordering that a stay of Convocation's order of disbarment be granted to permit the solicitor to fulfil his present commitments to his clients and that the stay be in force for three months or such lesser period as those commitments require for fulfilment. If the commitments are not fulfilled by that time leave is granted for a further application for a further stay. The solicitor shall give to the Law Society a list of his present commitments together with a written undertaking to take on no new business until the appeal has been disposed of.

. . . .

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:40 P.M.

. . . .

The Treasurer and Benchers had as their guest for luncheon Mr. Joseph Sedgwick, Q.C., a Bencher ex officio and a former Treasurer of the Society, who celebrated his eightieth birthday on 24th November, 1978. Mr. Sedgwick's son, Mr. Hugh Sedgwick, Q.C., his daughter, Mrs. Peter N. Harricks, and his long-time friend and associate, Mr. Philip D. Isbister, Q.C., were also present.

. . . .

CONVOCATION RESUMED AT 2:10 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Bowlby, Brulé, Carnwath, Carter, Cass, Chadwick, Farquharson, Fennell, Furlong, R. J. S. Gray, W. Gibson Gray, Ground, Humphrey, Mrs. Legge, Messrs. McWilliams, O'Brien, Orkin, Pallett, Pepper, Salhany, Seagram, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wallace, White, Willoughby and Zahoruk.

. . . .

DISCIPLINE COMMITTEE (Continued)

Re: IAN STUART McLENNAN, Ottawa

Mr. J. D. Carnwath, Vice-Chairman, placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend nor was he represented by counsel. Mr. Thomas J. Lockwood appeared for the Society.

Service of the Decision of the Discipline Committee, dated 13th November, 1978, on the solicitor was proved by the Affidavit of Service of Brian Ross Fraser in accordance with the provisions of The Law Society Act.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation proceed in the absence of the solicitor.

It was moved, seconded and *lost* that the Decision be taken as read.

Counsel and the reporter returned.

The Secretary read the Decision of the Discipline Committee, dated 13th November, 1978, wherein the solicitor was found guilty of professional misconduct. Following hearings lasting six days in September and November, 1978, the Committee found that he had misappropriated $29,000 from a client and invested the client's funds in securities in which he had a personal interest without disclosing that interest to the client and without ensuring that the client was independently represented in the various transactions and that he has misrepresented the true state of investments made on the client's behalf and failed to honour undertakings given to other solicitors in real estate transactions.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Decision of the Discipline Committee, dated 13th November, 1978, wherein the solicitor was found guilty of professional misconduct be accepted.

Counsel and the reporter returned.

Counsel was advised of the acceptance of the Decision by Convocation and the recommendation of the Discipline Committee as to penalty, namely, that the solicitor be disbarred.

Counsel made no submissions.

Counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter returned.

Counsel was advised of the disposition of the matter by Convocation.

Counsel and the reporter retired.

. . . .

GENERAL

Mr. Carnwath presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 12th October, 1978.

The following members were present: Messrs. Lochead (Chairman), Cass, Chappell, Ruby, Mrs. Sutherland and Mr. Willoughby.

The Committee considered several matters and the appropriate instructions were given.

THE REPORT WAS RECEIVED

. . . .

Mr. Carnwath presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 9th November, 1978.

The following members were present: Messrs. Lochead (Chairman), Carnwath (Vice-Chairman), Cass, Cooper, Kellock, Ruby and Mrs. Sutherland.

1. In order to alert the profession to the importance of proper protection to a client from whom a solicitor may be borrowing, of recent months any breach of former Ruling 14 (new Ruling 18) however technical and apparently harmless such breach may have been, has almost invariably led to an Invitation to Attend on the instructions of the Chairman or a Vice-Chairman. There have been and will be situations in which while there may have been a breach of the letter of the requirements of the Ruling, in fact the client is quite satisfied, his or her interests have been adequately protected and no harm has been done, so that to proceed with an Invitation might well be oppressive. This matter was thoroughly discussed and by unanimous resolution the Chairman or a Vice-Chairman was given discretion to waive an Invitation to Attend in an appropriate case.

2. Other matters were considered with appropriate instructions being issued in each case.

THE REPORT WAS ADOPTED

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COMPENSATION FUND SUMMARY

Mr. Carnwath presented the Compensation Fund Summary for the period ended 31st October, 1978.

COMPENSATION FUND

For the Period 1st July, 1978 to 31st October, 1978

(4 months)

TOTAL RECEIPTS	$ 287,666.23
TOTAL DISBURSEMENTS	$ 53,944.15

EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 233,722.18
BALANCE OF FUND at beginning of period	$1,566,550.49
BALANCE OF FUND at end of period	$1,800,272.49

RESUME OF GROSS OUTSTANDING CLAIMS

CLAIMS RECIEVED and in the course of being processed as of 31st October 1978	$3,732,658.79
TOTAL PAID to 31st October 1978 from the commencement of the Fund on account of 1,030 claims of 116 former solicitors	$4,239,233.69

THE SUMMARY WAS RECEIVED

. . . .

ERRORS AND OMISSIONS INSURANCE COMMITTEE

–Mr. Kellock

Mr. G. E. Wallace presented the Report of the Errors and Omissions Insurance Committee of its meeting on Thursday, 12th October, 1978.

The following members were present: Messrs. W. P. Rogers (Acting Chairman), Willoughby and Mrs. Legge.

MONTHLY REPORT

Mr. Stinton's monthly reports were before the Committee for August and September, 1978.

Noted

QUARTERLY REPORTS

Quarterly reports re Closed Claims at September 29th, 1978, for the 1977 Fund and the 1978 Fund were before the Committee.

Noted

PRACTICE ADVISORY SERVICE

This matter was stood over. from the meeting on September 7th. A letter was before the Committee from Peter Norman who suggested that the Society engage a lawyer with suitable experience with perhaps two assistants to be responsible for visiting members' offices, particularly where their loss record appears to warrant attendance to advise them with respect to their office practices with a view to preventing the recurrence of the error.

The Committee recommended that the Chairman and Vice-Chairman be authorized on the advice of the Society's Claims Manager and where the circumstances appear to warrant it, to ask members who have given notice of a possible claim or claims, to accept the assistance of the Society's Practice Advisory Service.

NEGLIGENCE WHEN PRACTISING WHILE EXEMPT

The following motion was passed at the Special Convocation on 14th September, 1978, "that the question as to the exposure of the Society and solicitors for claims for negligence where the solicitors have represented that they are not holding themselves out to the public be considered by the Errors and Omissions Insurance Committee".

The Committee is of the view that members who have filed applications for exemption from coverage and have been exempted from coverage, are not covered in respect of negligence occurring while they are engaging in private practice, and that the Society has no significant exposure on their account. There have been no instances to date of claims being made by members in that position.

ADJUSTERS' FEES

Mr. Stinton placed before the Committee a list of the fees paid last month to adjusters under the old Fund, under the 1977 Fund and the 1978 Fund.

Noted

GESTAS – PREMIUM STABILIZATION FUND

A letter dated 5th October from Mr. Morland of Marsh & McLennan was before the Committee reporting on the status of the Premium Stabilization Fund Moneys.

Noted

THE REPORT WAS ADOPTED

. . . .

Mr. Wallace presented the Report of the Errors and Omissions Insurance Committee of its meeting on Monday, 27th November, 1978.

The following members were present: Messrs. Kellock (Chairman), Outerbridge (Vice-Chairman) and Mrs. Legge. Mr. Stinton was present at the Chairman's request.

NON–WAIVER AGREEMENTS

The Committee recommended that Mr. W. L. N. Somerville be asked to advise the Committee whether it would be feasible and if so, desirable for amendments to be made to the contract of insurance which would permit the adjuster to proceed to investigate and to negotiate without prejudicing the insurer's right to deny coverage for fraud and without the necessity of obtaining a non-waiver agreement in each case.

LOSS PREVENTION

An analysis was before the Committee showing the proportion of losses attributable to various areas of law.

Noted

MONTHLY REPORT

Mr. Stinton's monthly report was before the Committee.

Noted

ADJUSTERS' FEES

Mr. Stinton placed before the Committee a list of the fees paid last month to adjusters under the old Fund, under the 1977 Fund and the 1978 Fund.

Noted

COUNSEL FEES

A list of the fees paid to Counsel during October, 1978, was before the Committee.

Noted

REPEATERS

A list of repeaters as at September 30th, 1978, was before the Committee.

Reports are being prepared on 18 members who have made multiple claims with a view to taking appropriate action including referral to the Discipline Committee in appropriate cases.

TICKLER SYSTEM

The material prepared by the Law Society of British Columbia for its members was before the Committee comprising a memorandum, a description of a card diary system and instructions on how to make the system function.

The Committee referred this matter to a Sub-Committee of Mr. Outerbridge, with power to add, to devise a tickler system which the Society can recommend to members seeking assistance in this regard.

"OLD FUND" – 1976 AND EARLIER CLAIMS

In 1977 it was necessary to transfer $150,000 from the 1977 Fund to the old Fund which was overdrawn.

The old Fund is again overdrawn. As at 30th September, 1978, it was short $12,635.21. There are still nearly 400 claims outstanding against the old Fund and it is possible that the adjusting fees in respect of these despite regular interim payments will be between $100,000 and $150,000. Mr. Stinton suggested that $125,000 be transferred into the old Fund from the 1978 Fund. His memorandum of 7th November was before the Committee.

Approved

FINANCIAL STATEMENT – SEPTEMBER 30th, 1978

Memoranda from Mr. Stinton were before the Committee outlining the financial statement for the 1977 and 1978 Funds.

Noted

THE REPORT WAS ADOPTED

. . . .

LEGAL AID COMMITTEE–Mr. Bowlby

Mr. G. E. Wallace, Vice-Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 6th December, 1978.

The following members were present: George E. Wallace, Vice-Chairman in the Chair, Messrs. Barnes, Cherniak, Courtemanche, Ferrier, Mrs. Fleming, Messrs. Jones, Lamb, Michon, Nixon, Ogilvie, Orkin, Shaffer, Mrs. Tait.

Sidney Linden, solicitor, Toronto, was also in attendance as an observer from the Criminal Lawyers Association.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95 (2), for the seven month period ended October 31, 1978, shows that payments from the Legal Aid Fund exceeded budget by $533,000. Funds designated for community clinics were underspent by $67,000. Therefore, payments for the Legal Aid operation exceeded budget by $600,000 as follows:

Over budget	$	$
Criminal certificate accounts	590,000	
Civil certificate accounts	226,000	
Student Legal Aid Societies	45,000	861,000
Under budget		
Duty Counsel payments	17,000	
Legal Advice certificate accounts	39,000	
Salaried Duty Counsel project	4,000	
Area Office costs	56,000	
Provincial Office costs	145,000	261,000
Net Payments over budget		600,000

Note: The $45,000 overspent on Student Legal Aid Societies is recoverable from the Youth Secretariat Experience '78 programme.

Income from sources other than the Province of Ontario was over budget by $291,000 as follows:

	$
Law Foundation	62,000
Client Contributions	121,000
Costs recovered	92,000
Miscellaneous income	16,000
	291,000

Therefore, in net cost terms, the fee-for-service component of the Plan is over budget by $309,000 ($600,000 - $291,000).

As at October 31, 1978, there was a negative balance in the Fund of $250,000.

Accounts receivable past due more than 90 days

	At Oct. 31, 1978	*Last month*	*Last year*
Value	$1,695,200	$1,677,000	$1,515,800
% of total receivables	61.3	60.6	59.3

Statistics

The following table compares reported activity for the first seven months of this fiscal year with the activity for the same period in the previous fiscal year:

	7 months ended Oct. 31, 1978	 Oct. 31, 1977	% Change from last year
Informal applications	67,811	55,212	+ 22.8
Applications for certificates	65,076	61,671	+ 5.5
Refusals	20,838	20,506	+ 1.6
As a percentage of applications	32.0	33.2	
Certificates issued	47,086	44,800	+ 5.1
Persons assisted by Duty Counsel:			
Fee for service	82,746	80,621	
Salaried Duty Counsel	20,382	14,764	
Total	103,128	95,385	+ 8.1

The following is an analysis of assistance provided to persons who contacted area offices across the province. This analysis excludes the activity of duty counsel.

	7 months ended Oct. 31, 1978		7 months ended Oct. 31, 1977	
	No.	%	No.	%
Total persons seeking assistance (Informal and formal applications)	132,887	100.0	116,883	100.0
Advice and referral (Informal applications)	67,811	51.0	55,212	47.2
Certificates issued	47,086	35.4	44,800	38.3
Unassisted persons	17,990	13.6	16,871	14.5
	132,887	100.0	116,883	100.0

Budget Estimate 1979-80

Convocation had before it a summary of the estimates of the Ontario Legal Aid Plan for the fiscal year 1979-80, together with a covering memorandum from Mr. Dermot McCourt, Deputy Provincial Director.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	November 1978	8 Months to Nov. 30/78	8 Months to Nov. 30/77
Reviews on hand	341		

	November 1978	*8 Months to Nov. 30/78*	*8 Months to Nov. 30/77*
Brought forward	341		
Reviews received in	143	936	864
	484		
Settlements reviewed in	191	830	915
Settlements awaiting further information	3		
Settlements awaiting review at end of	290		
	484		

Appeals

	September	*October*	*November*
	September	*October*	*November*
Appeals to Taxing Master received during	–	–	2
Appeals heard by Taxing Master	–	1	2
Appeals pending at the end of the month	5	4	4
Appeals abandoned	–	–	–

Activity

	1978/79 Fiscal Year		*1977/78 Fiscal Year*	
	Month of Nov. 1978	*8 Months to Nov. 1978*	*Month of Nov. 1977*	*8 Months to Nov. 1977*
Accounts on hand at beginning	4325	6016	5925	4657
Accounts received	6287	43109	5642	41098
Total Accounts to be processed	10612	49125	11567	45755
Less: Files cancelled	35	281	36	344
Accounts processed	4756	43023	7100	40980
Balance	5821	5821	4431	4431

In addition to the number of accounts for services completed there were:

Interim Accounts	242
Supplementary Accounts	308

PROVINCIAL AUDITOR'S REPORT

A copy of the Provincial Auditor's report on the operation of the Legal Aid Fund for the fiscal year ended March 31, 1978, together with a copy of the Director's response thereto, was before Convocation.

SUB–COMMITTEE RE:
SALARIED DUTY COUNSEL PROJECT,
OLD CITY HALL, TORONTO.

The Legal Aid Committee reviewed a report from the Sub-Committee re: Salaried Duty Counsel Project, Old City Hall, Toronto. The report listed seven recommendations which were approved by the Committee.

The Sub-Committee's recommendations are as follows:

1. That the pilot project at the Old City Hall be made permanent.
2. That the office be known as the Permanent Duty Counsel Office, Old City Hall. From time to time the words "Extended Duty Counsel Project" have been used, and this has led to an assumption that the duties performed by the solicitors in that office are an extension of the duties performed by most duty counsel, whereas in fact the scope of work undertaken at the Old City Hall is the same as it is, or should be, throughout the province. The word "extended" really only applied to the extension of the time during which an individual serves. Because of this confusion the Committee recommends that the term "extended" no longer be used.
3. That the system of using permanent duty counsel be expanded to cover the suburban courts in Metropolitan Toronto because the whole method of handling criminal matters in Metro has changed since the inception of the pilot project, and many of the conditions which led to the creation of the pilot project at the Old City Hall now obtain in the courts in Etobicoke, North York, and Scarborough.
4. That the Permanent Duty Counsel Project as so expanded be operated under the direction of the Director at the Old City Hall, with six additional staff, being two for each suburban court. It is expected that all the staff would rotate from the Old City Hall to the other courts. It is also realized that it may

well be necessary to retain as part of the staff one solicitor of some experience in addition to the additional six duty counsel, so that the more senior person may assist the Director. It is suggested that the expansion of the permanent duty counsel system commence on April 1, 1979 to coincide with the next fiscal year.

5. Your Committee is aware that there may be problems in Richmond Hill and Newmarket which are both within the jurisdiction of the York area, but in view of the erection of a new court house at Newmarket and the providing of space for a permanent Legal Aid office in that court house, and the current discussions taking place with the Bar of that area concerning the establishment of a Legal Aid office at Newmarket, it is suggested that the matter of posting duty counsel to the Richmond Hill and Newmarket courts be left to be considered as part of the general consideration of the future of Legal Aid in that part of the present York Legal Aid area.

6. Your Committee realizes that there are plans to open provincial courts in the Eaton's College Street building, but in view of the fact it is not yet known whether these courts will be in addition to or in substitution for the courts now in the Old City Hall, and the fact that it is not known what jurisdiction the courts at Eaton's College Street will have, your Committee suggests that this matter also be left until more definite information is available, but cautions that in budgeting a note should be made of the opening of the new courts so that they can be served by whatever means appear appropriate when they open.

Your Committee noted that at its last meeting it recommended that the Area Director and the Director of Permanent Duty Counsel be empowered to replace the duty counsel at the Don Jail with permanent duty counsel, and that the permanent duty counsel staff be increased by one in order to accomplish this transfer. It was contemplated that members of the permanent duty counsel staff would serve at the jail in rotation.

Since that time the West Metro Dentention Centre and the East Metro Detention Centre have opened, and are served by non-lawyer members of the staff of the Area Director, who receive applications and who, if advice is required, contact the office of the Area Director or the Director of the Permanent Duty Counsel Project. Your Committee is still of the view that such integration with the permanent duty counsel project should take place, and therefore recommends that –

7. One further permanent duty counsel be retained to provide legal advice for prisoners primarily at the Toronto Jail, but in addition to provide what is required for prisoners at East and West Metro Detention Centres, the appointment of this person to be made as soon as possible.

SUB–COMMITTEE ON PUBLIC INFORMATION

The Committee reviewed a report from the Sub-Committee on Public Information which met on Thursday, November 30th, 1978.

The Legal Aid Committee approved a proposal that the Public Information Officer engage a professional screen writer to produce a shooting script for a Legal Aid film which will be presented to the Public Information Committee by February for its approval, the cost of which is not to exceed $10,000. The need for such a film to be distributed to Ontario High Schools and made available to civic and other groups to help explain the role and function of Legal Aid has been endorsed by the Attorney General and others.

The Legal Aid Committee also approved the Public Information Committee's recommendation that the brochure distribution programme which was initiated in the York County office be expanded to the top 20 most active Legal Aid offices in the province.

The report of the Public Information Committee was before Convocation.

STEERING COMMITTEE

The Committee approved a report of the Steering Committee which dealt with its assessment with respect to Student Legal Aid Societies.

At its meeting on June 7th, 1978, the Steering Committee requested information on the function, supervision and funding of Student Legal Aid Societies.

The Committee expressed concern that there appeared to be little or no control and supervision over the Societies. It was brought to the Committee's attention that the Student Legal Aid Societies submit an annual report to the Plan and that the said Societies hold meetings every six months to determine how the total funding for the year will be allocated.

The Committee recommended that a meeting be arranged with all Area Directors for areas where there are Student Legal Aid Societies to obtain their views on the activity level of the Student Legal Aid Societies, and to find out what the students are doing, or should be doing, and to suggest areas which might be examined. The result could be improved assistance to the Plan. The Committee also suggested that a meeting be held with the Law School Deans.

On Thursday, November 30th, 1978, the Steering Committee met with James B. Chadwick, Area Director, Carleton County; D.C. Clancy, Deputy Area Director, Carleton County; D.G. Cunningham, Frontenac County; K.G. Ouellette, Essex County; Mrs. Gretta J. Grant, Area Director, Middlesex, Perth and Oxford Counties; and W. Reid Donkin, York County.

After review the Committee passed the following motion: "The Steering Committee after reviewing the activity of the Student Legal Aid Societies with the Area Directors concerned, is satisfied with the degree of supervision which now exists in the five Student Legal Aid Societies. However, the Committee recommends that the Area Directors, where there are Student Legal Aid Societies, continue a close liaison with the said Student Societies and be prepared to offer assistance if such is requested. The Committee further recommended that any meeting with the Deans be postponed for the time being."

The Legal Aid Committee also approved the Steering Committee's recommendation pertaining to civil Legal Aid actions.

The Steering Committee reviewed with the Legal Accounts Officer a memorandum wherein she expressed concern that in civil actions the Legal Aid Plan from time to time subsidizes an action, the cost of which does not warrant the recovery obtained.

The Steering Committee recommended that, subject to the approval of Convocation and the Ministry of the Attorney General, an item be included in the proposed new tariff that in civil actions no fee will be allowed, or disbursements approved, which exceed the amount in issue without written approval of the Legal Accounts Officer.

The Committee also recommended that the Legal Accounts Officer's concerns be referred to the Public Information Committee to consider an education programme to the profession to acquaint solicitors with the problems of the Legal Aid Plan and to educate them as to how they may assist in curtailing the problems, and to encourage continuing support and enthusiasm of the Bar in the operation of the Plan.

CLINICAL FUNDING COMMITTEE

On December 5th, 1978, the Clinical Funding Committee submitted a report to the Director recommending to the Director, and subject to the approval of Convocation, funding for various projects.

The Director recommended to Convocation that the report of the Clinical Funding Committee, dated December 5th, 1978, be adopted.

The following is a summary of the applications considered subsequent to the report to Convocation dated 12th October, 1978, and the amounts of funding recommended for the fiscal period 1978/79:

	Applicant	*Amount**
1.	Willowridge Neighbourhood Centre (one-time grant only)	$ 1,731
2.	Welland Pilot Project	12,000
3.	Industrial Accident Victims Group	3,463
4.	Rexdale Community Information Directory	(9,000)

*All recommended amounts are subject to the Attorney General's approval of designated funding in the appropriate amounts for clinics for 1978/79.

AREA COMMITTEES – RESIGNATION

Simcoe County

W. M. Thompson, Q.C., Barrie.

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 4:30 P.M.

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Read in Convocation and confirmed 19th January, 1979.

G. D. FINLAYSON
Treasurer

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